



1945

## The negro in California before 1890

A. Odell Thurman  
*University of the Pacific*

Follow this and additional works at: [https://scholarlycommons.pacific.edu/uop\\_etds](https://scholarlycommons.pacific.edu/uop_etds)



Part of the [African American Studies Commons](#), [American Studies Commons](#), [Cultural History Commons](#), [Labor History Commons](#), [Political History Commons](#), [Public History Commons](#), [Race and Ethnicity Commons](#), [Social History Commons](#), and the [United States History Commons](#)

---

### Recommended Citation

Thurman, A. Odell. (1945). *The negro in California before 1890*. University of the Pacific, Thesis.  
[https://scholarlycommons.pacific.edu/uop\\_etds/1036](https://scholarlycommons.pacific.edu/uop_etds/1036)

This Thesis is brought to you for free and open access by the Graduate School at Scholarly Commons. It has been accepted for inclusion in University of the Pacific Theses and Dissertations by an authorized administrator of Scholarly Commons. For more information, please contact [mgebney@pacific.edu](mailto:mgebney@pacific.edu).

THE NEGRO IN CALIFORNIA BEFORE 1890

---

By

A. Odell Thurman

Stockton

1945



A Thesis  
Submitted to the Department of History  
College of the Pacific

---

In partial fulfillment  
of the  
Requirements for the  
Degree of Master of Arts

---

APPROVED: Chairman of the Thesis Committee

*Malcolm R. Eiselen*

DEPOSITED IN THE COLLEGE LIBRARY:

DATED:

Librarian

Dedicated to my wife Eva,  
who at the same time was my  
best critic and greatest inspiration.

A.O.T.

## CONTENTS

Chapter	Page
Introduction	
I. Negroes in the Spanish and Mexican Era.....	1
(a) Negroes in the Spanish Era of Discovery and Exploration.....	1
(b) Negroes in California Under the Spanish Regime.....	4
(c) Negroes in California Under Mexican Regime.....	11
(d) Negroes with Fremont.....	19
II. The Negro Under the American Flag.....	30
(a) Discovery of Gold.....	30
(b) The Negro a Pawn of Politics.....	37
(c) Fugitive Slave Law.....	46
III. The Fight for Civil Rights, Part I.....	53
(a) The Rise of Opposition.....	53
(b) Anti-Testimony Fight.....	56
IV. The Fight for Civil Rights, Part II.....	63
(a) The Convention of 1865.....	63
(b) Report of Business Committee.....	67
(c) Report of Statistical Committee.....	68
(d) Report of Committee on Elective Franchise.....	74
(e) The Fight for Education.....	76
(f) Beginning of Better Days.....	79



Chapter

Page

V. Conclusion.....84

Bibliography.....89

## Introduction

I believe that the fathers who formulated the Mayflower Compact; who drew up the Declaration of Independence; who framed the Constitution of the United States and who later incorporated the Rights of Man amendments, had in mind the idea of Christian brotherhood of man; interpersonal relationships (free from oppression) and equal opportunity in the true meaning of democracy.

Having experienced the absence or near absence of these fundamentals in the attitude and treatment of the Negro politically, economically, and socially, I have often asked myself why is he the scapegoat for every occurrence?

It is true that much of difficulty is a combination of psycho-historic-natural behavior, but I am convinced the greater portion is ignorant behavior.

Little effort has been made in the United States to make history books and history taught in schools, below the college level, complete in approach to subjects covered. Never has the Negro been portrayed in school history for the magnificent part he has played in American civilization.

Feeling that the Negro boys and girls could not



possibly learn those facts necessary to make them proud of their racial heritage from the brief statement that "In 1619 twenty Negro slaves were brought by a Dutch merchant ship to Virginia" and "slavery was ended by the Civil War of 1861-65," much work has been done by Negroes in the general field, in the hope that once the material is collected that those fair-minded historians of another day, at least, might see the need of telling their stories in its entirety:

How the African background of these slaves was one of dignity and progress.

How as slaves they fought for freedom, as did the Pilgrim Fathers under the kings of England, how they took to the crafts and built the southern cities.

How they have from the War of Independence to the present struggle fought in the name of whatever America was fighting for.

How those individuals of black parentage have conceived and developed inventions and made discoveries that have filled the gaps in the forward march of American progress,

and the known facts that will prove an historian as the searcher and teller of truth.

(Of the specialized studies made about the Negro most have been done on the southern U. S. where the Negro as a slave spent many generations and where, to-day, the great bulk of the population is centered.) Recently a study The Negro in New England was made by

Dr. Lorenzo J. Greene.<sup>1</sup> (Only a little work has been done on the Negro in California) chief among which is The Negro Trail Blazers of California by Delilah Beasley.

Because so little has been written concerning the Negro in California and because the dynamic and romantic sequences in the development of this country have always interested me, I have become interested in knowing what part the Negro, free and slave, played in this panorama of events. Were there Negroes with early expeditions? To what extent did they migrate to the west when "gold fever" had become a nation-wide epidemic? Did they find gold? Where did they settle? What did they do? What difficulty did they encounter politically, socially, and economically? These are questions that have filled my mind and to which I shall endeavor to find the answers.

A.O.T.

<sup>1</sup> A dissertation for doctorate, Columbia University

## CHAPTER I

## NEGROES IN THE SPANISH AND MEXICAN ERA

Negroes in the Spanish Era of Discovery and  
Exploration

In 1524 there started from Spain an exploring expedition under the leadership of Governor Ponfilo de Narvaez with orders to explore, conquer, and govern the Floridas on the mainland. The fleet consisted of five ships and six hundred persons of which at least one was a Negro, Estevanico or Little Steve, an Arab Negro from Azamore on the Atlantic Coast of Morocco.<sup>2</sup> The expedition became involved in all kinds of difficulty with the climate, topography, and the Indians and we later find Estevanico in the party of Alvar Nunez Cabeza de Vaca with two other Spaniards, all that was left of the six hundred.<sup>3</sup>

In the meantime Hernando Cortez who was searching for a shorter route than the Strait of Magellan to the Pacific, had sent out two searching parties to prove his belief in its existence. In 1535 word reached Cortez that Bazarra's party had made a new land discovery. Cortez is said to have put a number

<sup>2</sup> Lummis, Charles F., The Spanish Pioneers and the Calif. Missions, p. 106.

<sup>3</sup> Ibid. p. 107.



of Negro slaves to building ships and when they were ready, went out to inspect this find and called it California. Actually, the discovery was the Santa Cruz Islands and Lower California.

By this time Estevanico and the Vaca party were nearing civilization once more and after wandering for eight years and tramping more than ten thousand miles, they reached Mexico City in 1536, where they rested and spent some time readjusting themselves to the food and clothing of civilization.<sup>4</sup>

On April 10, 1537, Estevanico's companions, Cabeza de Vaca, Castillo, and Dorantes sailed to Spain, but the Negro remained in Mexico.<sup>5</sup> According to Lummis, "their report on what they saw, and of the stranger countries to north of which they had heard, had already set on foot the remarkable expeditions which resulted in the discovery of Arizona, New Mexico,--- Kansas, and Colorado---."<sup>6</sup> In these expeditions, Estevanico was to play a further part. Because of his experience as an explorer, his knowledge of the country, and his familiarity with the language and customs of the Indians, he was commissioned by Viceroy Mendoza

<sup>4</sup> Op. Cit. p.118.

<sup>5</sup> Ibid. p.115.

<sup>6</sup> Ibid.

to guide Coronado to discover the northern boundary of New Spain. It was while guiding an expedition under the leadership of Friar Marco from Mexico in search of the fabled "Seven Cities of Cibola" that Arizona and New Mexico were discovered. Reputed to have been the first member of an alien race to visit the North Mexican pueblos, he lost his life in the same venture at the hands of the Zuni Indians, in the golden cities of Cibola.

If we can believe the evidence of translations, offered by Beasley, from various sources, there were other Negroes in the various exploring parties of this era. From a translation of a Herrera document, she writes, "The Friar Luis de Escalone of Saint Vida wished to stay in this land---They would stay with him in this land of the Recortes some Christian Indians---and two Negroes, one with his wife and children; besides, the Friar Juan Campo, a Portuguese, and another Negro that took the habit of a friar---."7

The exact location of this land of settlement is questionable, but there is the possibility that it was California, inasmuch as the expeditions were

7 Beasley, Negro Trail Blazers of California (Translation of the Journey by Herrera) p. 23.



started from Mexico City with orders to find the northern limits of Nueva Espana. Fanny Bandillier translates that Friar Marco of Nissa in his reports says, "---I thought it good to name that country 'El Nueva Reyno de San Francisco'."8

(Thus the Negro played a worthy, though subordinate, part in the series of events leading up to the discovery of the land now known as California. He suffered the years of wandering and want on the uncharted plains, deserts, and mountains of the southwest and west, facing attack and torture of hostile Indians, but leaving behind an easier trail and an entree for settlement for those who followed -- to California.)

#### Negroes in California Under Spanish Regime

Under Spanish rule in California, Negro slavery did not exist to a great extent; yet we can be quite certain that some Negroes were held in slavery, for it was a legal practice and encouraged by the King. Interesting though, is the idea that the King of Spain was benevolent to the slaves. In 1511 he investigated

8 Op. Cit. p.24 (Translation from Fanny Bandillier, Report of Friar Marco)

the death of a large number of Negroes and ordered the official responsible to take better care of them.

Hittell, writing on slavery in the California of 1825, bemoans the fact that California "suffered from the curse of being treated as a sort of colony for convicts," but suggests that, "it was comparatively free from the curse of African slavery."<sup>9</sup> Explaining the reason for this, he further states, "This was not because the people were opposed to slavery; but because there was no use for African slaves. There being no market for them, very few were brought to this country."<sup>10</sup> Thus without hazarding a number, he concedes that there were some Negro slaves in the region.

When the Spaniards first instituted their colonies in the New World in the early 16th century, they used the labor resources at hand to help them gather the fat of the land. Sir Arthur Helps in his Slavery In The Spanish Colonies, quoting Herrera, tells of the wish of the Spanish King, for the liberation of the Indians. "---the colonist had told him [the King] that if license were given them to import a dozen Negro slaves each, they [the colonists] would then set free the Indians----"<sup>11</sup> This plan was carried out and

<sup>9</sup> Hittell, History of California, vol. II, p.115

<sup>10</sup> Ibid.

<sup>11</sup> Helps, Slavery in Spanish Colonies, p. 93.

it would seem that there must have been a considerable number of Negro slaves in California under the Spanish regime.

The attitude of the King of Spain toward Negro slaves was humane, making laws to insure humane treatment; providing steps by which they could gain their freedom by purchase; or be transferred to another master if their own were cruel to them. A law was passed to protect the children born of Spaniards and Negro slave women; and it is interesting to note that Spanish masters married the slave mothers of their children.

By the 18th century, due to the practice of the Spaniards to be lax in their hold on their slaves and their recognition of them as men and women, though black, the Negroes had become an integral part of the established Spanish communities. They had in other instances availed themselves of freedom by running away and migrating to those regions beyond the sphere of Spanish authority -- evidently being the first alien groups to set foot in many regions as Estevanico had done in Arizona and New Mexico, as we shall see later.

Father Junipero Serra and twenty-three friars



landed at Monterey, May 21, 1771, and founded the Mission of San Carlos and celebrated the feast of Corpus Christi. "The first burial," says Bancroft, "was on the day of the founding, June 3, when Alezo Nuno, one of the San Antonio's crew the ship which brought Father Serra was buried at the foot of the cross."<sup>12</sup> Quoting from Palou's Noticias on the occasion, Bancroft continues, "The first internment in the cemetery was that of Ignacio Ramirez, a Mulatto slave from the 'San Antonio', who had money to purchase his freedom."<sup>13</sup> There is no similarity of names of the two individuals; so we conclude that together these two pioneer sailors came; together they were buried. The significance being that -- if we can put any meaning in Christianity and its spread or attach any value to the martyrdom of those who came, in whatever state of being, to establish missions and otherwise interfere with the native way of life -- a Negro was the first known to die for the cause and the first to be buried on California soil.

On the 26th of August, 1781, Governor Neve issued an order for the founding of Los Angeles. Of this in-

<sup>12</sup> Bancroft, History of California I, p. 175

<sup>13</sup> Ibid, p. 401 (from Palou's Noticias)

cident, Bancroft writes from translations, "---Of subsequent proceedings for a time, we only know that the pueblo was founded September 4, 1781, with twelve settlers and their families, forty-six persons in all, whose blood was a strange mixture of Indian and Negro, with here and there a trace of Spanish."<sup>14</sup> Identified as Negroes according to Bancroft's listing were: Joseph Moreno, a 22 year old Mulatto with a wife and five children; Manuel Cameron, a 30 year old Mulatto and his wife; Antonio Mesa, a Negro 38 years of age with a Mulatto wife and 6 children; Jose Antonio Navarro, a 42 year old Mestizo (white and Indian) with a Mulatto wife and 3 children, and an Indian, Basil Rosas, 68 years of age who had a Mulatto wife and 6 children. (Hence, it is indeed noteworthy that twenty-four of the forty-six founders and first settlers of Los Angeles fall in the category of Negroes.)

By 1819 there was an Anglo-Saxon (permanent resident) population in California of three and a free Negro population of one. The one Negro was Bob Cristobal, a sailor, who had arrived with Captain William Smith on the Albatross in January, 1816.<sup>15</sup>

<sup>14</sup> Op. Cit. p. 401 (from Palou's Noticias)

<sup>15</sup> Bancroft, Pacific States, vol. II, p. 175.



Captain Smith and some of his men including Bob Cristobal, were captured by the Spaniards upon landing and were detained for some time under suspicion of smuggling. Smith, after repeated petitions for release, was permitted to sail on the Lydia which touched at Santa Barbara March 15, 1816. Bob Cristobal elected to remain to be instructed in the true faith and was baptized as Juan Cristobal on August 16, 1819.<sup>16</sup>

In 1819 there occurred an incident which was to increase the population. Hypolite Bouchard, French commander of the Buenos Aires insurgents, invaded California at Monterey. In an exchange of batteries, one of the ships, the Frigata Chica, was disabled. Upon demand that some responsible officer be sent ashore, "the Second Officer," says Bancroft, "an American, then came in a boat with two sailors....One of them is described as a native of Buenos Aires and the other of Guinea - a negro."<sup>17</sup> The American was Joseph Chapman, the third American Pioneer. Later, when Bouchard landed some 600 men at the Playa de Dona Brigida the Spaniards harrassed and captured several others "a mulatto Mateo Jose Pascual, an Argentinian

<sup>16</sup> Op. Cit. p. 177

<sup>17</sup> Ibid. p. 248

Nicolas Chavarria, and a Negro known as Norris or Thomas Fisher."<sup>18</sup>

The experiences of these men at the hands of the Spaniards was somewhat hectic for the Spanish women wanted to have them burned alive as heretics. After examination of the captives as to Bouchard's purpose they were pardoned and sent into the interior under guard. What became of Mateo who went to Santa Clara, is not known, but Thomas Fisher became a cook at San Juan Capistrano and afterwards escaped from the country.<sup>19</sup>

Bouchard landed again at Monterey and 21 of his men were made prisoner. A sentry who was sent Sanchez from San Francisco to reinforce Sola at Monterey remembers among others an American Negro named Francisco.<sup>20</sup>

Molina, a Negro whom Bancroft characterizes as a drunkard, was evidently a Californian who was captured by Bouchard. There is some speculation as to how he came to be captured, some believing that he deserted to Bouchard's forces; while Bancroft thinks he might

<sup>18</sup> Op. Cit. p. 739

<sup>19</sup> Bancroft, Pacific States II p. 230

<sup>20</sup> Ibid. p. 232

have gone on board the ship too drunk to know his own mind.<sup>21</sup> It is my opinion he might have been captured under normal conditions and made drunk upon release by Bouchard as a part of the practical joke he played upon Guerra in the exchange of prisoners. Bouchard had proposed an exchange of prisoners, using the plural when he should have used the singular. They finally agreed upon the exchange. "The so-called prisoners," says Bancroft, "whom Bouchard gave up in exchange for three men proved to be the drunken Molina, who would have been a good riddance to the province at any price..."<sup>22</sup>

Sola, helpless in his rage at the deception, unfairly gave vent to his wrath by sentencing Molina to six years in the chain-gang and a hundred blows on his bare back.

The Negro pioneer population in California in 1819 then, so far as is known, was 3 (and possibly 4) to 5 for the Anglo-Saxons.

#### Negroes in California During Mexican Regime

By the treaty of Madrid 1817, Spain promised England that slavery would be abolished in all its do-

<sup>21</sup> Op. Cit. p. 239

<sup>22</sup> Ibid.



minions on the 30th of May, 1820. California was a part of the province of Mexico, but somehow slavery was not abolished within its bounds by the treaty. However, on July 13, 1824, the Mexican Congress abolished the slave trade; and in 1828 proceeded to investigate the extent of slavery within its limits. "--among others," says Hittell, "the governor of California was asked as to the number within his jurisdiction. Echeandia [who had taken office in 1825] replied '--- that he knew of no slave having been brought to California until 1825, when the wife of Antonio Jose de Cot, a Spaniard, brought a slave girl named Juana, 14 years of age, from Lima to San Francisco; but he added that the lady intended leaving the territory with her slave and would do so on the first opportunity.'"<sup>23</sup>

I am unable to say if the governor's report can be wholly accepted for there is controversy. We do know that traffic in slaves was not halted by this order for Bancroft speaks of a Negro woman brought from Peru, as late as 1828.<sup>24</sup> Consequently, we may feel safe in assuming that it was the continuance of this that prompted England to negotiate a treaty of aboli-

<sup>23</sup> Hittell, History of California, vol. II p. 115

<sup>24</sup> Bancroft, Hist. Pacific States II p. 293 (from Pen-  
pecius, M.S., #132)

tion of slavery with Mexico some years later.

It was mentioned above that Negroes had spread themselves well throughout much of the Spanish claims; and that they were well accepted is portrayed in the evidences of their physical influence found by exploring parties later in the century. J. P. Monroe Fraser in speaking of the native races found among soldiers in the San Francisco cantonment says, "There was a half-caste race between the white Castilian and the native Indian, very few of the families retaining the pure blood of Old Castile. They were consequently of all shades of color----"25 As far north as Klamath Lake, possible Negro influences were found in the natives of this region. The natives around the Klamath, Trinity, and Rogue Rivers are described as being tall, muscular, and well made, with complexions varying from black to light brown; while those in a more isolated spot, who were evidently of the same kin were squatty and fat in figure, rather stoutly-built, with large heads, coarse, black hair and repulsive countenances.26

Early in the 19th century American trappers, hunters, and traders had found their way into Califor-

25 Fraser, J. P. Monroe, Hist. of Santa Clara County, p. 62

26 Ibid.



nia, by overland trails or by boat, and a few had come to stay. Some members of Jedediah Smith's 1826 expedition had remained behind and others from New Mexico and Oregon moved into the region. Of the population of newcomers during 1836-40 who might be classified as pioneer residents, Bancroft numbers it as small. "The total population of foreign adults, ....in 1840," he says, "not including roving trappers and horse-thieves in the interior, was in round numbers 380 souls, of which number 120 had come before 1830, and 240 before 1835." Justifying the small number, he explains, "This was not in any sense a period of immigration. If few stayed in the country, still fewer came with the intention to stay...."<sup>27</sup>

These early immigrants to California included Negroes who, despite Bancroft's denial, did come to stay in the country. It is not conceivable that the Negroes who found their way to the free country of California should ever return to the hazardous life in the United States of that day and which offered little freedom to Negroes -- free or bond.

Another Negro of this period was Allen Light. All that is known of Allen Light is recorded by George

<sup>27</sup> Bancroft, Pacific States II p. 117

Nidever who was his companion for many years. It is thought that Allen Light deserted from a ship believed to have been the Pilgrim from Boston, which put in at California. William Henry Ellison, editor of Nidever's life, says of Allen Light: "He was one of Graham's men in 1836-38. In 1839, being a naturalized resident of Santa Barbara, he was appointed by the government to prevent illegal otter hunting. He was in Los Angeles in 1841 and at San Diego in 1846-48, and at the latter time he was still a hunter."<sup>28</sup>

Allen Light who had been hunting on the Pacific Coast for some years was met by George Nidever, a white hunter. Nidever, realizing the worth of Light's experience as an otter hunter, determined to become his partner in a hunting party. Describing Allen Light, in his memoirs Nidever says: "...his proper name was Allen Light (he was very dark skinned) but he was always called "Black Steward". He was quite intelligent, well-behaved, and mannerly, and a good hunter...."<sup>29</sup>

Together Black Steward and Nidever made a hunting trip up the coast going as far as Point Conception

<sup>28</sup> William Henry Ellison - The Life and Adventures of George Nidever, Notes #104, p. 108

<sup>29</sup> Ibid. p. 39

collecting 21 otter skins.<sup>30</sup>

Later Light and Nidever were joined by Isaac Sparks, another otter hunter, and the three agreed to hunt together. They wintered in the islands, off the coast of Los Angeles, making Santa Rosa their headquarters, while hunting around San Miguel and Santa Cruz, where the otter were more plentiful. The hunt netted them 60 skins.

Late in 1835 Black Steward and Nidever made a second trip up the coast as far as San Luis Obispo. This time they were gone 3 or 4 months, and collected 50 otter skins. Evidently their other efforts had not been financially successful to the point of making them self-supporting; and they were working under license for a Captain Denny to whom Nidever says they "paid 40% of our skins; he furnishing our provisions and paying the wages of one man for each hunter."<sup>31</sup>

Santa Rosa, Santa Cruz, and San Miguel Islands had long been the hunting grounds of the Northwestern Indians who disapproved of the intrusion of outsiders. Once while Sparks and Black Steward were hunting together, these Indians had attacked and driven them up

<sup>30</sup> Otter skins were worth \$35.00 each at this time.

<sup>31</sup> Op. cit. p. 40



into the island, capturing all their supplies.<sup>32</sup> In January, 1836, the hunting party on Santa Rosa numbered 12 men, nine of these of the Light-Nidever-Sparks party and 3 in a Portuguese party. All were housed in a large cave on the "N.E. side of the Island", when the Northwestern Indians again put in their appearance. The men remembering the experience of Sparks and Black Steward determined now to save their supplies and fight to the last. Of this encounter Nidever relates:

"One morning....we were hunting off the head of the Santa Rosa. It was very foggy, and at about 7 o'clock we started an otter and began running it towards the head of the island.

"Black Steward was about  $\frac{1}{2}$  mile from shore, I was nearly opposite him....Just as we were rounding the point the Black Steward called out, "Here come the N.W. [Northwestern] Indians." Sure enough, just ahead of us coming out of the fog were 5 or 6 canoes pulling with might and main to cut us off from the shore. Each canoe had two Indians and some of them a third. When Black Steward called to us, the foremost canoe was but a few hundred yards away and the other only a short distance in the rear.

"....at the first alarm we made a straight line for the shore and our men needed no urging to exert themselves.... Black Steward was the first to reach the beach. Jumping out as soon as his boat grounded, he turned and fired on the fore-

<sup>32</sup> William Henry Ellison, The Life and Adventures of George Nidever, p. 40

most canoe, but the powder having partly escaped from his gun the ball fell short. A moment later Sparks reached shore and almost at the same time I jumped out on the beach beside him, amidst a shower of buckshot, the Indians having already opened fire..."<sup>33</sup>

The hunters were able to repulse this attack by hiding in the bushes and firing on the Indians who were still on the open water, "killing 3 and wounding 4 or 5."

The next morning the Indians again attacked and were driven off again; this time for good. "This defeat," says Nidever, "was a severe blow to the N. W. Indians who for several years had been the terror of the Coast. This was the first reverse they had met with."

In 1836 when Alvarado led a revolt against the Mexican government, for greater autonomy in California affairs, Allen Light joined the Alvarado forces under Isaac Graham.

Until 1846 Nidever and Allen Light hunted otter up and down the coast of California, enjoying, as it were, some success in the collecting and sale of skins, and an abundance of adventure and the zest and joy of living.

<sup>33</sup> Op. Cit. p. 41

## Negroes With Fremont

In May, 1842, John C. Fremont made a more or less successful topographical expedition for the Government. The success of the first Fremont expedition is questioned by some historians, but be that as it may, the government considered his exploits successful enough to commission him on a second expedition to explore the Pacific Coast. His party consisted principally of Creoles and Canadian French and Americans amounting in all to 39 men;<sup>34</sup> among whom were several who had accompanied him on his first expedition.

Among the men listed as being in the party was Jacob Dodson, a free Negro man of Washington, D. C., who volunteered to accompany the expedition. Writing of Dodson afterwards, Fremont compliments him for having performed his duties manfully throughout the expedition and for always being a man of fidelity. Beasley mentions the presence of another Negro in the party, one James Duff, later of Mariposa County. He is described as having only a dash of Negro blood. No-

<sup>34</sup> There is some difference in the number of men believed to have comprised this party. Bigelow, biographer of Fremont, gives the above figure; Bancroft says there were only 25 and attempts to suggest who should be deleted from the list.



where in the lists of men with Fremont do I find his name. It is possible, however, that Duff may have been one of the California Battalion in the conquest for California.<sup>35</sup>

A few excerpts from Fremont's diary, with a brief description of their journey may help to establish the worth of Dodson in the expedition:

"Sept. 6" [Fremont and party had reached] "the waters of the Inland Sea [Great Salt Lake] stretching in still and solitary grandeur far beyond the limit of our vision..." [Camp was made in one of the groves where they found] "a handsome encampment, with good grass and an abundance of rushes."<sup>36</sup>

The men of course were greatly excited and perhaps a bit invigorated by their discovery, and preparations were made for the exploration to take place the following day.

"Sept. 7." Of this day Fremont writes, "The provisions Carson [Kit Carson] had brought with him being now exhausted, and our stock reduced to a small quantity of roots, I determined to retain with me only a sufficient number of men for the execution of our design; and accordingly seven were sent back to Fort Hall, under the guidance of Francois Lajeunesse, who having been for many years a trapper in the country, was considered an experienced mountaineer..."<sup>37</sup>

<sup>35</sup>Beasley, D., Negro Trail Blazers of California p.33

<sup>36</sup>Rigelow, John, Memoirs of the Life and Public Service of John C. Fremont p. 80

<sup>37</sup>Ibid. p. 69

It is significant of the value Fremont attached to Jacob Dodson, that he was retained as a part of the group selected to execute the design.

"We formed now," wrote Fremont, but a small family. With Mr. Preuss and myself, Carson, Bernier, and Basil Lajeunesse, had been selected for the boat expedition -- the first ever attempted on this interior sea; and Baudeau, with Derosier and Jacob were left in charge of the camp...."<sup>38</sup>

"For our supper we had Yampah, the most agreeably flavored of the roots, seasoned by a small fat duck, which had come in the way of Jacob's rifle."<sup>39</sup>

The party had come a long way; they had been forced to reduce their number because of a scarcity of food, many had been their hardships, but even worse sufferings lay beyond in the mountains. On February 24, Fremont and his party had reached the mountainous area where "the thermometer was two degrees below the freezing point and the food was so low it was necessary to kill a horse for food"; while there was no grass in the forest for the other animals. Fremont's favorite horse was so weakened that Jacob Dodson was required to stay behind with him while the party pressed forward.

This battle of the late-winter-Sierras was a try-

<sup>38</sup> Op. Cit. p. 69  
<sup>39</sup> Ibid.

the experience for Jacob Dodson and the total Fremont party and the arrival at Sacramento can best be described in Fremont's own words:

"Mar. 6.....a more forlorn and pitiable sight...cannot well be imagined. They [the party left in the mountains, Mr. Fitzgeralds, et al.] were all on foot --each man, weak and emaciated, leading a horse or mule as weak and emaciated as themselves....many horses fell over the precipices, and were killed;....Out of sixty-seven horses and mules...only thirty-three reached the valley of the Sacramento, and they only in a condition to be led along."<sup>40</sup>

In the clashes which Fremont and his followers were to have with the Californians, in the months to come, Jacob Dodson was to be of inestimable value to Fremont. He had been with him in the discovery of Klamath Lake,<sup>41</sup> and was with him on his famous ride from Los Angeles to Monterey, as will be seen later.

Fremont had gone to California under orders from President Polk and his father-in-law Senator Benton, supposedly to survey a new route to the Pacific for the United States Government. After making his way over the mountains, Fremont and his party, somewhat worse for wear staggered into Sutter's domain. Then with a somewhat smaller group, Fremont made a visit to

<sup>40</sup> Op. Cit., p. 109

<sup>41</sup> Ibid. p. 93



the Mexican official Castro to get license to remain in the country. The Californians had by this time become attuned to the dangers of Americans and any other foreigners within their country. Castro and Alvarado concluded that Fremont, with such a large retinue of men who obviously were not scientific, was not on the errand he claimed, and they determined to be rid of him. A plot was laid. One of Fremont's men was involved in a row with a Californian over a woman, and the protest was raised that "California women were not safe when gringos were about."<sup>42</sup> Castro then wrote Fremont, who was in the Salinas Valley, a peremptory order to leave the country immediately. This of course he did; moving just across the northern California boundary. In this trek to the north he was overtaken by Lt. Gillespie and his servant, a Negro known only as "Ben".

That Lt. Gillespie brought instructions from Washington is known; what the instructions were is an unknown quantity, since Gillespie had memorized the instructions for safety's sake; but the fact that Fremont immediately returned to California at Marysville would lead us to believe that his instructions designed

<sup>42</sup> Atherton, Gertrude, California an Intimate History  
p. 101

the pattern which he followed in his attack to wrest California from Mexico.

On June 14, 1846, the settlers, organized by some devise of propaganda, rose up in arms for "Equal rights and equal laws"; captured Sonoma and the same day "partially organized the Republic of California".<sup>43</sup> A flag was made which named the movement as the Bear Flag Party.

It is significant that Negroes were evidently a party to this attack to overthrow Mexican rule. The number was not great, to be sure, but there is reason to believe that there were several in the party, either at the organization or at any rate during the operations of the party to gain California for Americans. Delilah Beasley in The Negro Trail Blazers of California lists Jacob Dodson, who was Fremont's constant companion; Ben, body guard and servant to Gillespie; John Grider; Joe McAfee; Charles G. Gains and Billy Gaston.

In writing her argument to prove the presence of these Negroes in the Bear Flag Party, Beasley says:

"...The writer's authority for stating that these colored [Negro] men were in the Bear Flag Party is established by the following quota-

<sup>43</sup> Dellenbaugh, F. S., Fremont and '49 p. 333

tion from the Western Outlook of San Francisco, Oct. 7, 1914: "Recalling memories of 'Forty-nine' John Grider, the only survivor of the Bear Flag Party, rode in solitary state in an automobile, a vehicle his wildest imagination never pictured in the strenuous days of California's fight for membership into the union. Those who read this item in the daily papers about the Admission Day parade in Vallejo did not know that the pioneer was a colored man..."<sup>44</sup>

Miss Beasley, who was writing her book at the time, writes that she "hastened to visit Vallejo and have a talk with the gentleman," who she says was highly interesting and in whose mind the facts of the Bear Flag Party were as fresh as if of recent date, although he had come to California in 1841. "He was ....asked," says Beasley, "if there were any other colored men in the Bear Flag Party." "The writer gave the names of the colored men with Captain Fremont....whereupon Mr. Grider replied that they were all present in the forming of the Bear Flag and that I might add the names of Joe McAfee, Charles G. Gains, and Billy Gaston."<sup>45</sup>

It is difficult to determine the full truth of these statements there being such a little notice taken to recording the presence and status of Negroes,

<sup>44</sup> Beasley, D., Negro Trail Blazers of California p.33

<sup>45</sup> Ibid.



as such, in the events of that day. It is known, however, that Fremont was at Sutter's Fort; but Jacob Dodson and James Duff may have been with the marauders. As for the presence of the others mentioned above, we must rely upon the word of Mr. Grider, for the present, who was there.

By this time the war between Mexico and the United States had broken out and the American forces under Stockton, Shoates, and Kearny had conquered California. Immediately friction had reared itself as to who had authority in the region.

Colonel Fremont had sided with Commodore Stockton, who had shown him favor, in the feud with General Kearny over authority and for a brief period was recognized as Governor of California. In March, 1847, Fremont, who had headquarters in Los Angeles, thought he recognized signs of an insurrection in Los Angeles. He decided to go to Monterey to interview General Kearny and warn him of the possible uprising.

There is considerable conflict among historians as to his motive in going. However, here, we are interested only in the extraordinary ride of which Jacob Dodson was a party.

In order to do justice to the event, it is perhaps

best to quote from the writings of Bigelow who re-  
counts the story as told in the National Intelligencer,  
Nov. 22, 1847, as related by Jacob Dodson and Col. Fre-  
mont themselves:

"It was at daybreak on the morning of the 22d of March, that the party set out from La Ciudad de Los Angeles (the city of the Angels) in the southern part of Upper California, to proceed in the shortest time to Monterey on the Pacific Coast, distance full four hundred miles.<sup>46</sup> The way is over a mountainous country, much of it uninhabited, with no other road than a trace, and many defiles to pass, particularly, the maritime defile of el Rincon or Punto Gordo,....Each of the party had three horses, nine in all, to take turns under saddle. The six loose horses ran ahead, without bridle or halter, and for a change, say at the distance of twenty miles, they were caught by the lasso, thrown by Don Jesus or the servant<sup>47</sup> Jacob, who, though born in Washington, in his long expeditions with Col. Fremont had become as expert as a Mexican with the lasso, as sure as the mountaineer with the rifle, equal to either on horse or foot, and always a lad of courage and fidelity....

....The first day they ran one hun-

<sup>46</sup> 420 miles (Dellenbaugh). This distance is increased by Bigelow to a round trip of 960 miles.

<sup>47</sup> I have found no reference in Fremont's diary or other sources to Jacob Dodson as a mere servant. Having volunteered on the trip and from Fremont's mentions of him, I can but believe that his place in the expedition was one of equality with other members. The use of the word servant is possibly an undeserved brand placed on him by the newspaper.

dred and twenty-five miles,...and slept at the hospitable Rancho of Don Thomas Robberis, beyond the town of Santa Barbara. The only fatigue complained of in this day's ride was in Jacob's right arm, made tired by throwing the lasso, and using it as a whip to keep the loose horses to the track.

The next day they made another one hundred and twenty-five miles,...and at nine at night San Luis Obispo was reached. ...Here the nine horses from Los Angeles were left and eight others taken in their place, and a Spanish boy added to the party to assist in managing the loose horses.

Proceeding at the usual gait till eight at night and having made some seventy miles, Don Jesus,...proposed a halt for a few hours.

...Eighty miles, and the afternoon brought the party to Monterey.

The next day, in the afternoon, the party set out on their return...

After a hospitable detention of another half a day at San Luis Obispo, the party set out for Los Angeles on the same horses which they had rode from that place, and made the ride back in about the same time they had made it up, namely, at the rate of 125 miles a day.<sup>48</sup>

For anyone who has ridden horseback, it is hardly necessary to enlarge upon the stamina required to accomplish such a feat; and the part that Jacob Dodson played in this "Paul Revere" ride of '47 is synonymous

<sup>48</sup> Bigelow, Memoirs of J. C. Fremont, pp. 152-157.



of the calibre of the Negro men who fought for the expansion of the United States to the Pacific.

## CHAPTER II

## THE NEGRO UNDER THE AMERICAN FLAG

## Discovery of Gold

In 1848 gold was discovered in the mill stream near Sutter's Fort, and soon the whole world was struck with a strange epidemic of gold fever that made the lawyer quit the bar; the preacher, his pulpit; and the ditch digger, his ditch, with his pick virtually hanging in the air. It excited <sup>everyone</sup> the Northerners, and it excited the Southerners. (The white, the black, the yellow -- men of all walks of life started on a wild run by land or by boat for California and the gold fields. And by both of these routes went Negroes. Some of these Negroes were free; some were slaves, and others, hired as cooks or extra-hands, went by land and sea to suffer every hardship encountered on these ways.) These were the Argonauts, and the perils of their journey are too well known to reiterate here.

Numerous references to Negroes on the trail are mentioned in the journals and drawings of J. Goldsborough Bruff, Captain of Washington City and California Mining Association, who led a small party to California in the Trek of '49. On July 15 he writes, "....A wagon....broke a wheel, detaining us sometime to re-

Brought  
servants  
easier

pair. Under the shade of some large willows, was a wagon & tent, -- and a colored man & woman; on going up, I had the pleasure of making the acquaintance of Mr. Pickering & lady, from St. Louis...Being very hungry & fatigued, I accepted their polite invitation, [to lunch] and [had] a cup of good coffee, with milk."<sup>49</sup> To the thousands of others who were as lucky as the Pickerings to have Negro servants to cook and care for them, it must have been degrees easier for them to weather the trip.

In October, he writes of "...A number of packed pedestrians, (9 white & 1 black man) and 3 ox-wagons, passed on."<sup>50</sup> On November 17 he mentions the Henly party in which there were 'females', 3 men with packed oxen and a negro.<sup>51</sup>

By 1850 Bruff and his party had reached California after severe encounters with dysentery, ague, rheumatism, hunger, breakdowns, and near heart breaks. Of this period, (April, 1850) Bruff tells an amusing incident involving a party in which there was a Negro.

<sup>49</sup> Read, G.W. and Gaines, Gold Rush, Journals, Drawings and Other Papers of J. Goldsborough Bruff, Captain, Washington City and California Mining Ass'n. Vol. I pp. 45-46

<sup>50</sup> Ibid. p. 252

<sup>51</sup> Ibid. p. 642



He writes:

".....About 3 p.m. Col. Davis called my attention to a pack company, of mules crossing the plain, from the mountains, whom he said must be Myer's Company.....I wished to enquire if they had seen any human remains, which I might conjecture could be those of poor Clouth [Clough] [a member of the party]; and also, if they passed my camp on the big hill, to learn its condition. When lo! a negro was proudly riding around, with my sabre girt on, another man had my rifle, and my dragoon saddle capped a large pack on a mule. I at once demanded them, and they were given up."<sup>52</sup>

On June 7, 1850, he writes, "A party chiefly Germans, bound on an exploration came up and camped close by, they have a New York Negro for cook; and are well armed and equipped."<sup>53</sup> No name is mentioned for this Negro and it is impossible to determine from pioneer lists who he might have been; but being from New York, it is fairly safe to assume that he was a free man, who like many others hired themselves to companies in order to reach the land of gold.

An important and useful member of Bruff's own party was a Negro named Andy. We might use him to describe the typical Negro emigrant on the trail -- no better and no worse than the other pioneers, affected

<sup>52</sup> Op. Cit. p. 782

<sup>53</sup> Op. Cit. p. 797

by new experiences and conditions. Prospecting has begun and on the above date in 1850, Bruff records that:

"Camp aroused at day-break. All the men fit for hard active service and ready, are now to start on the Lake hunt. At sunrise they rode off, Lassen leading, and my partner Drinker accompanying them. Those left here, are Hough Sr. Campbell, Fox, Dexter, Nicholas, Battis, Marshall-a lad, Hoffman, 3 other white men, Negro Andy, and about 12 indians - male and female. 6 of the whites (including myself) are sick, and 2 indians...Dexter, Fox and Andy, on foot, went in a S.E. direction about 3 miles prospecting..."<sup>54</sup>

It was a characteristic of the emigrants to be helpful to their friends and neighbors in need and Andy's reactions to the distressing illness of those mentioned above is only typical. On August 1, Bruff recounts that he "awakes cold and weak," and that "...Negro Andy, kindly gave me a skillet and lid, needed much to bake bread in..."<sup>55</sup> Writing further on the kindness of Andy, Bruff says, "...I presented Andy, for his many little acts of kindness, a 35 Californian coin."<sup>56</sup> This was an unnecessary stimulant for Andy's kindness, but on August 9, when Bruff was shaken by intermittent chills and fever and was unable

<sup>54</sup> Op. Cit. p. 811

<sup>55</sup> Op. Cit. p. 812

<sup>56</sup> Op. Cit. p. 818

to cook venison sent him by friends, it was Andy who cooked some for him.

I have already intimated that Andy and the many other emigrants were neither all good nor all bad, and the following incident will prove the point. It was August 11, in 1850, and wrote Bruff:

"...Near sun set, Nicholas, Jas. Marshall, and Andy, rode off, to visit the indian village above. As they purchase whiskey and drink along the route, it is probable that [they] will visit the indians drunk. They returned, at night intoxicated, and tell how that they reached the village & found the males all absent, and caught a Squaw, who offered them roots, willow baskets, &c. if they would not molest her, but that they successively, did molest her."<sup>57</sup>

Such was the conduct of black and white alike, on the trail, in their relationships to the Indians, and is the type of aggressiveness responsible for much of the trouble between emigrants and Indians.

The prospecting was continued and Bruff records that on September 1, 1850 that he and his party including Andy discovered and explored a white quartz vein. They discovered several hollows and says Bruff, "at last I noticed a vein of white quartz, running over a spur, and cropping out the hill side, for some dis-

<sup>57</sup> Read, Gold Rush I, p. 818



tance. It was 8 or 10 feet wide, and superficially broken in blocks by the frost. Found minute crystals of quartz, and several specks of gold. In a lump of the rock, the size of a small biscuit, on one side I found needle crystals, and on the other, 2 pear-shaped nodules of gold, as large as robin shot...."<sup>58</sup> The party had uncovered a strike.

What became of Andy I do not know, but he shared the adventure and romance of the overland trails, helping, being helped, prospected and found gold and settled, perhaps, somewhere in California.

They came by land and they came by sea; they came in bondage and they came free; some came to escape the hazards of slavery; some came to search for the gold that was promised in the fabulous land of gold.

Of those Negroes who came by sea, I have found two who stand out for achievement and position, viz. Edward Booth and William A. Leidsdorff. Both were free men; one born in Washington, D.C.; the latter a native of the Danish Island of Santa Croix. In 1848, Edward Booth was in Baltimore and hearing of the discovery of gold in California, decided to cross the plains and prospect for awhile. He made the trip and

<sup>58</sup>Op.Cit. vol. II p. 821

arrived in California sometime in 1849, filed a claim and was successful in his mining efforts.)

"In a year or so", says Beasley, "he decided to return to Baltimore and bring the remaining members of the family to California. On his way home he stopped at Oberlin College, in Ohio and bought shares in the college; and....made arrangements to send his nephew, James H. Hubbard, to be educated in this college..."

"They finally sailed from New York via Panama to Virgin Bay, and from there to the mouth of the Chagres river, where they obtained the services of some Spaniards to row them up the river in a canoe, stopping at night on the shore of the river, using for beds dried hides....They finally reached the town of Chagres.

"From this town they took a pack train of mules to cross the Isthmus of Panama." The congestion at Panama, by this time, was rather great, and the muleteers forced the Booths to wait while others were carried over. They like many others had a tremendous amount of baggage; the sister was carrying a set of sad irons and they were forced to discard these and much other stuff to qualify for portage over. In Panama City Beasley says they "had to wait three weeks for a steamer to go to San Francisco." While waiting, "the Booth boys, Sam, George, and Elige," says Beasley,

"engaged passage on a vessel which was called "Sailing Ship Cabargo"....The Captain sailed south to catch the trade winds...he lost his route...They arrived in San Francisco in 1852 and immediately sailed on the steamer "Sidney Stepp" for Sacramento...and decided to go to the mines. Elige went to Nevada City, and his brothers to Grass Valley...Edward Booth followed mining all his life and was successful...Upon hearing that gold had been discovered in Alaska, he decided to leave California and go in quest of it. He took up a claim in Alaska and was a successful miner, remaining in that country until his death...in 1900."<sup>59</sup>

(There was little opposition to the Negroes who came in these early days to California. It was truly the country where a man was a man so long as he could take a man's part, but in the life-time of these men mentioned above, and for others who came in increasing numbers later, the storm clouds of opposition and persecution were to rise, as we shall see.)

#### The Negro A Pawn of Politics

The South was jubilant when the war with Mexico ended and the United States came out of the negotiation of Guadalupe Hidalgo that February day, with all

<sup>59</sup> Beasley, Negro Trail Blazers of California, p. 123



the territory then known as California neatly packaged and ceded. Our government had covered up its stain-of-sin with \$18,000,000, but had they paid nothing, the Southern planter would not have minded -- they just wanted to move in, slaves and all. This they probably would have done post-haste if James Marshall had not found gold in his mill-stream at Coloma; for in the rush of immigration there came thousands of those opposed to slavery.

(On September 1, 1849, General Bennett Riley convened a convention at Colton Hall in Monterey to draft a constitution for the proposed state of California. The question of slavery was brought up early in the proceedings in reference to the Bill of Rights. There was little debate when Mr. Shannon, an Irishman of 3 years residence in Sacramento moved the exclusion of slavery.<sup>60</sup> It is significant, however, that the first question upon which there was much debate was that of excluding free Negroes. It was decided

<sup>60</sup> Art. I. California Constitution, 1849 Secs. I, #18 provided that "all men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and Liberty....Neither slavery nor involuntary servitude, unless for the punishment of crime shall ever be tolerated in this State.....

that the first legislature should handle this question; but it was the beginning of a long series of events in determining whether California would be free or slave. The awakening of this question had another effect too. It imbued the minds of the busy miners with the difference in Americans in their midst and propagandized their emotions against anything Negro whether slave or free. It is noteworthy that Negroes and whites had lived and worked together in harmony for sometime prior to 1849. As Bancroft puts it, "The struggle for wealth...untarnished by sordidness, stood redeemed by a whole-souled liberality..."<sup>61</sup> Elsewhere he speaks of the leveling process which the mines worked on society and says, "...master and slave from the southern states could be seen working and living together..."<sup>62</sup> In a situation where this degree of proximity exists, despite individual arguments to the contrary, a healthy community relationship can develop.

(Under Mexican rule, Negroes had been free and had become an integral part of the fabric of its life. On the contrary in the United States, the Negro was considered a thing and was not recognized as a citizen; but it is possible that the Californians of this ear-

<sup>61</sup> Bancroft, History of California VI p. 226

<sup>62</sup> Ibid. p. 227

lier period, accustomed as they were to the presence and treatment of Negroes under Mexican control, had come to look upon them with the same indifference. Now the question of the expansion of slavery arose with California's agitation for admission into the Union, and the liberty of all Negroes are potentially endangered. Writing on the period, William H. Brewer noted at a later time that, "There is a knotty political question here which causes no fuss now; but make southern California a slave state<sup>63</sup> and people it with southerners, and it may become complicated. Our treaty on obtaining this region guaranteed to the Mexican citizens all the privileges of American citizens on entering the republic. Mexico recognized Indians, negroes, etc., as citizens under certain circumstances, so there are actually Negroes citizens of the United States."<sup>64</sup>

There is room for conjecture as to why the convention of 1849 jumped hastily into the matter of determining the position California should take as to whether it would be a slave state or a free state. To

<sup>63</sup> The Southerners had tried to make two states out of California.

<sup>64</sup> Brewer, Wm. H., Up and Down California in 1860-1864, The Journal of Wm. H. Brewer; ed. by Francis P. Farquas, pp. 44-45.



be sure, there was the old struggle between North and South over the balance of power in Congress and the framers of the California Constitution knew that they must work hard and fast to establish according to the wishes of the people. To have hesitated might have been tragic. Second, while nature had taken care of the problem of slavery from the standpoint of cotton plantations, the discovery of gold had made the danger of a slave influx more to be feared. Already many slave owners had come into the diggings with their slaves and the advent of many more was threatening. An advertisement appeared in the Jackson Mississippian, of April 1, 1850, and printed in the Placer Times, May 1, 1850, headed, "California, the Southern Slave Colony", inviting citizens of the slave states wishing to go to California to send their names, number of slaves, period of contemplated departure, etc., to the Southern Slave Colony, Jackson, Mississippi. It was stated that the design of the friends of the enterprise was to settle in the richest mining and agricultural portions of California, and "to secure the uninterrupted enjoyment of slave property." The colony was to comprise about 5,000 white persons, and 10,000

slaves.<sup>65</sup>

Thirdly, many Negroes were actually coming into the mines of their own accord. This is evident from the manner in which certain localities were named. Just as there were mining sites labeled Dutch Bar; Kanaka Bar; Missouri Bar; Indian Diggings; etc., because of those who rocked the cradles, there was Negro Bar. Bancroft writes that, "Below the well-known Mormon Island lay Negro Bar with 700 people in 1851..." "Negro Hill opposite Mormon Island," he continues, "named after subsequent negro miners of 1849, had in 1853 over 1000 inhabitants..."<sup>66</sup> Such an influx offered some competition.

From the above we find some of the reasons for the hasty attempts of assemblymen to face the issue. The first instance was ignored; they cared little about the battle for power. The second was blocked by the action of Convention, and the third was tided over for the first legislature which was to attempt passage of a bill against the coming-in of free Negroes or Mulattos.

On the placing of the prohibitory clause in the

<sup>65</sup> Bancroft, History of California VI p. 313 (From Placer Times, May 1, 1850)

<sup>66</sup> Ibid. p. 352

Constitution, there was considerable opposition and the attitudes, pro and con, are interesting morsels. Mr. McCarver, a Kentuckian; Mr. Semple, also from Kentucky, by way of Missouri; Dr. Wozencraft from Ohio, by way of Louisiana; Mr. Tefft, from New York; and Mr. Steuart, from Maryland, (were the strong advocates of the prohibitory clause. They argued that free Negroes were bad members of society, and unless they were strictly prohibited from entering the state, California would be overrun with them, and their labor be brought into competition with white labor in the mines.<sup>67</sup>)

Mr. Gilbert, of New York, on the other hand, / confessed to a fashionable degree of repugnance to the blacks, but opposed the prohibition. He held that color was not a crime. He felt that the free Negro, under the spirit of the Constitution of the United States, was a citizen and was therefore entitled to all the privileges and immunities of the several states; and that to include such in their constitution would jeopardize the success of their efforts.<sup>68</sup>

<sup>67</sup> Browne, J. Ross, Report of the Debate in the Convention of Calif. 1849, p. 19

<sup>68</sup> Tuthill, F., History of California, p. 268



There were others heaping invectives upon the heads of the poor Negroes, branding them with riotous conduct, shiftlessness, indolence, vice, etc., and assured the assembly that they would but increase the burden of taxation upon the white citizens. That this attitude was erroneous can be seen from the cases of those Negroes already in California. Edward Booth, speaking before the Second Annual Convention of the Colored Convention of California, said of the Negroes in Nevada County, "...There are about five hundred colored people residing there, variously employed. A few are farmers and mechanics; a small number are engaged in trading, but the majority of them are miners..."

...<sup>69</sup>

Congress argued the question of slavery or no slavery in California for sometime; and it was finally adjusted by the 'Compromise of 1850', with slavery prohibited in its Constitution. The slavery question, however, was to continue in the state until the days of national emancipation.

The Constitution, the legislature, and the United States Congress, by accepting California as a free-

<sup>69</sup> From Speech by Edward Booth before Second Annual Convention of the Colored Convention of Calif. (Proceedings of Convention of Colored Citizens, p. 3)

state, had settled the question of the importation of slaves to the state.<sup>70</sup> It is noteworthy, though, that people will attempt to find different ways to do the same thing.

On February 10, 1852, Mr. Peachy introduced in the legislature a memorial from citizens of South Carolina and Florida, in reference to their removing to the State of California and bringing with them their slaves.<sup>70</sup> Still others manumitted their Negroes in the slave states and brought them to California, bound to service for a limited period as hirelings.<sup>71</sup>

On the 23rd of May, a Negro man known only as Lawrence, was married to a Negro woman, Margaret, who was hired out to service by a white man named William Marr, who claimed her as his slave.<sup>72</sup> Lucile Eaves, writing on the subject says, "The San Francisco papers noticed the coming of these so-called "servants". The steamer, Isthmus, arriving April 15, 1852, is reported to have brought up several gentlemen with a number of servants -- one with twelve, another, seven, another, five, and so on."<sup>73</sup> Quoting from the Pacific, she

<sup>70</sup> Journal of the California Legislature 3rd Session. Assembly Journal Tuesday, Feb. 10, 1852

<sup>71</sup> Assembly Journal, 1851 p.21 (Inaugural Speech - Governor Burnett, 1851)

<sup>72</sup> Bancroft, Hist. of Calif. VI p.313 (From Placer Times, May 27, 1850)

<sup>73</sup> Eaves, Labor Legislation II p.82 (S.F.Herald, 4/16/52)

adds, "We also learn that many of these 'servants' -- and under our present constitution they are nothing more, -- have lately arrived in various steamers with their masters, and been distributed through the interior."<sup>74</sup>

#### • Fugitive Slave Law

Many were the instances in which slave owners used the above devices to bring their slaves to California; but in many instances they had their 'apple-carts' upset for their Negroes ran away at the first opportunity. So numerous did these runaways become, that the state legislature, in view of the existing federal code, passed a fugitive slave law (April 15, 1852). This law declared that all slaves brought into the state previous to the adoption of the Constitution who refused to return with their masters to the State in which they owed labor should be deemed to be fugitives from labor, and that the owners were to be given power to reclaim them in the same way as was provided for the recovery of such fugitives entering California from any other State.<sup>75</sup> On April 13, 1854, the fugi-

<sup>74</sup> Op. Cit. (From the Pacific, April 23, 1852)

<sup>75</sup> Senate Journal, 3d Session, pp. 257-274-285, California Statutes, p. 77



tive slave law was amended to allow not only the owner but an agent to make claim the escape of a Negro and apprehend him for return to slavery.<sup>76</sup>

The anti-slavery element and the free Negroes in California recognized the dangers of this amendment; the results of which was the beginning of a new profession -- Negro-catchers. Under this law, anyone could claim that any Negro was a fugitive from labor and because of the Anti-testimony law, of which we shall hear more later, free persons could be put in bondage.

To combat this evil, this freedom-loving group gird themselves to battle for the "right of all men to life, liberty, and the pursuit of happiness." They were aided in their efforts by fair-minded courts who insisted on the proper interpretation of the law, in many instances.

This phase of the Negroes' fight for freedom in free California, has been well treated in most history books on the State, and I shall not bother to discuss it at length here. A few interesting cases in point will serve to re-acquaint us with the heart-aches and anxiety of the people of color in Califor-

<sup>76</sup> Statutes of California, 1854, ch. XXII p. 80

nia prior to the Civil War.

In December of 1856, a Negro by the name of Coffee purchased his freedom, paying \$1,000 for himself. His former master was in Missouri, but he was sent payments regularly until the \$1,000 was paid, when he forwarded the manumission papers.<sup>77</sup> By his own good judgment or the advice of friends, Coffee who was free anyway having come to California after 1852, secured the legal evidence so that his freedom would not be in dispute. This of course was the unusual; others were not, to the same degree, fortunate.

During the same year in San Bernardino County, two Negro families, comprising fourteen persons, were claimed as slaves by a former master who wished to take them to Texas. An appeal was made in their behalf to the United States district court. The plea offered was that they were going on their own free will, the mothers being willing for the children; but the court decided that the children should not be taken unless after being made fully aware of the condition awaiting them, and the marshall was ordered to prevent their abduction.<sup>78</sup>

<sup>77</sup> Bancroft, History of California VI p. 716

<sup>78</sup> Ibid. p. 716

As has been stated the Negroes with the help of anti-slavery whites had organized themselves in the defense of freedom, and took every opportunity to void the mounting pile of legislation against them.

The opportunity came for a climax of their efforts when a Mr. Stovall came to California in 1857, from Mississippi, bringing his slave boy, Archy Lee. Mr. Stovall had opened a private school in Sacramento and after teaching a year, decided to return home and take Archy with him. His efforts to carry out his intentions were the means of furnishing the defenders of freedom with a case to bolt the wall that fenced them in.

California in its fight against the spread of slavery had tried to live up to the character of a good state in the union, by extending full-faith and credit to the citizens of other states. She had in consequence provided for visitors' privileges for those who wished to travel or stay for reasons of health. In the case of Perkins vs Perkins,<sup>79</sup> the following ruling was handed down which gave the Negroes a legal weapon with which to fight:

"The privileges extended to visitors

<sup>79</sup> 2 Calif. Report, 424, 425



cannot be extended to those who come for both business and pleasure. A mere visitor is one who comes only for pleasure or health, and who engages in no business while here, and remains only for a reasonable time. If the party engaged in any business or employs his slave in any business except as a personal attendant upon himself or family, then the character of visitor is lost, and his slave is entitled to freedom."<sup>80</sup>

It was this decision more than other which gave the Negroes a chance.)

Archy had been hired out in Sacramento for some time. Preliminary to returning to Mississippi, Stovall put Archy on board a boat, in the Sacramento River, in charge of an agent. Archy refused to be taken back and escaped from the vessel. Stovall had him arrested as a fugitive slave, but the Sacramento police chief refused to deliver him over to his master. Stovall then sued out a writ of habeas corpus for his possession and the matter came up before the supreme court, and Justices Peter H. Burnett, Stephen J. Field, and David Terry returned Archy to his master. By this time the case had aroused a great deal of excitement; so Stovall decided to go by carriage to San Francisco via Stockton, and there board a ship for the South, as

<sup>80</sup> Op. Cit. p. 424, 425

it passed through the Golden Gate.

The Negroes of San Francisco, learning of this plan, sued out another writ of habeas corpus, this time for liberation. It was placed in the hands of officers, whom Tinkham says, "...remained up all night waiting for Stovall,"<sup>81</sup> whom they really expected to come on the Stockton steamer. "Suspecting, however," Tinkham continues, "that Stovall was playing a strategic game, Deputy Sheriff Thompson kept watch of the outgoing steamer. As she passed Angel Island a boat put out from the shore. In the boat was Stovall, the Negro boy and four friends. The deputy intercepted the party and served on Stovall two writs, one for Archy Lee, the other for Stovall, the latter being charged with kidnapping. Stovall and his friends drew their revolvers and Stovall exclaimed, 'The boy has been given to me by the Supreme Court and I'll be damned if any state court shall take him away!'"<sup>82</sup>

Stovall was taken to San Francisco and arraigned before Judge Thomas W. Freelon of the county court. While pending, Stovall swore out a new affidavit which did not correspond with the one sworn out in Sacra-

<sup>81</sup> Tinkham, Geo. H., California Men and Events, p.137

<sup>82</sup> Ibid.

mento. Upon facts stated by Edward D. Baker, who had been hired by the colored citizens to defend Archy, he was given his freedom. Immediately he was rearrested under the fugitive law of 1858. In the meantime, Stovall who was facing a suit of damage, had skipped the state and Archy was discharged. "Thus, the question of slavery in California was settled," says Tinkham.<sup>83</sup>

<sup>83</sup> Op. Cit. p. 137.



## CHAPTER III

## THE FIGHT FOR CIVIL RIGHTS

## Part I

## The Rise of Opposition

"Before the Argonauts landed upon California soil," wrote Tinkham in California Men and Events, "the idea of driving out the foreigners prevailed, and a correspondent writing to the Panama Star said, "If foreigners come, let them till the soil, or do any other work that may suit them -- the gold mines were preserved for Americans -- we will share our interest in the mines with none but Americans."<sup>84</sup>

It is true that practically the world of peoples were represented in the gold fields of California. As Bancroft puts it, "It was a gathering without parallel in history..." "Of nationalities", he continues, "the flow from Europe alone equaled in variety that of the mediaeval crusades, with notable prominence to the leading types, the self-complacent Briton, the methodic and reflective German, and the versatile Gaul. The other continents contributed to swell the list. Africa was represented, besides the orthodox negro, by swarthy moors and straight featured Abyssinians.

<sup>84</sup> Tinkham, California Men and Events, p. 127

Asia and Australasia provided their quota in pigtailed, blue-garbed Mongols, with their squat, bow-legged cousins of Nipon, lithe and diminutive Malays, dark-skinned Hindus..., the well formed Maoris and Kanakas, the stately turbaned Otterman, and the ubiquitous Hebrews, ever to be found in the wake of movements offering trade profits..."<sup>85</sup>

The writer to the Panama Star who wished to preserve the mines for Americans spoke only half truth, for he did not mean Negro Americans at all. At the same time, he keynoted the greedy overbearing characteristic of the noble American who takes what he wants despite the rights of others to fair or previous claim. He felt only that his government had paid \$18,000,000 for the land (though most had not sunk a penny in the treasury) and all was his and his alone.

The opposition to foreigners was not one of nationality then; it was one of race. Nowhere have I found evidence of open hostility to foreign whites. Rather the opposition was directed toward those people of color who were easily distinguished -- the Chinese, the Indian, the Negro, and even the Mexicans whether from Mexico or natives of the soil -- and the reaction

<sup>85</sup> Bancroft, History of California VI, pp. 221-22

is much the same today. Hence, all kinds of legal and extra-legal devices were levied to outrage these people and drive them from the land, as shall be seen.

By the outbreak of the Civil War, the Negroes in California had for the most part become pretty well established economically. As has been seen, there were a considerable number of Negro miners on Negro Bar and Negro Hill, and there were others scattered throughout the "diggings". There were at least two mining companies organized by Negroes, "The Sweet Vengeance Mine" and "The Rare, Ripe Gold and Silver Mining Company".<sup>86</sup>

According to Tuthill, "almost everybody bought stocks. Nothing," he says, "but war news could check the perpetual talk of 'feet', 'out-croppings', and 'indications of sulphurets and ores'. No profession or class, age or sex was exempt from the epidemic."

[sic] There is perhaps one exception to this -- the Negro. It is hardly probable that he had time to speculate, for in the majority of cases he had either to pay for his own freedom or send his money to the south-land to pay for the freedom of his family still in

<sup>86</sup> Beasley, Negro Trail Blazers of California, pp. 104-105.



bondage.<sup>87</sup> Too, the Negro, from miner to bootblack, had to contribute heavily to the purpose of survival, not only for himself, but for the many other Negroes in California. The fight against the injustice of the fugitive slave law, the retaining of the best lawyers, and the cost of courts drew heavily upon their purses. At the same time that they fought their way to victory in the Archy Case, they turned their interest and resources toward the battle for civil rights.

#### Anti-Testimony Fight

(The state had passed the Civil Practice Act, Section 394-Witness-Persons incompetent-provides "No Indian, or Negro, or persons having one-half or more Indian blood, and Negroes or persons having one-half or more of Negro blood, shall be allowed to testify as a witness in action in which a white person is a party."<sup>88</sup>

This law had been in the statutes since 1852 and now brought itself forcefully to the attention of the whole state, and directly challenged the Negroes

<sup>87</sup> J.H. Davis Francis, The Blue and Grey in California (From Historical Nuggets vol. III pp.96-97) relates that in 1856 a colored pastor Darius Stokes, who claimed to have founded 14 churches in the state, declared that 3/4 of a million dollars had been sent home by Negroes as purchase money for the freedom of their families. One man alone, by washing, had earned \$9,000, which had freed eight of his children.

<sup>88</sup> Journal of Calif. Legis. 3rd Session, 1852

through the tragedy of the Gordon family. Beasley tells the story as it was told to her by members of the family:

"...a colored family moved to San Francisco, California, coming from Baltimore, Maryland. This family consisted of Mr. and Mrs. Gordon, together with several sisters of the wife. One of the sisters opened a millinery store and Mr. Gordon a barber shop in the basement room of the Niantic Hotel, corner of Bush and Sansome Streets....The proprietor of the hotel was a white gentleman by the name of Mr. Fink.

"...One evening before dusk as one of the young ladies who had the millinery store was going to her supper in the rear of the store, she suddenly turned in time to see a man robbing her cash drawer. She ran back into the store, When the man ran out into the street she continued to chase him calling "Stop thief!" She was not, however, successful in overtaking him. The next morning, this white man, who was chased the evening previous for robbing the cash box of the millinery store, went into Mr. Gordon's barber shop and demanded that Mr. Gordon make his sister take back the name "thief" she had called him the night before, while chasing him. Mr. Gordon replied that he had not been at home, and had had nothing to do with the affair. The white man then began to abuse Mr. Gordon, finally shooting him at his barber's chair. When shot, Mr. Gordon ran to the street crying "Murder!" The white man followed him, and after Mr. Gordon had fallen to the sidewalk, shot him again and beat him with his revolver. The proprietor of the hotel was coming down the street and recognized the white murderer. There was however, in the shop at the time of the shooting a colored man of very light complexion, a Mr. Robert Cowles.

This gentleman witnessed the whole affair, but in order to rule his testimony out of court as a witness, he was subjected to an examination by a corps of physicians, who decided that his hair showed he had one-sixteenth part of a drop of Negro blood and his testimony could not be taken.

"There was, however, another witness to be dealt with, and that was the proprietor of the hotel, Mr. Fink, who had witnessed the tragedy. His testimony could not be disputed, resulting in this white murderer being sent to the penitentiary for ten years..."<sup>89</sup>

One can readily see from the above case, why the Negro in California had to fight, expending much money, time, and energy to survive. Nor was the Gordon case the only one of its kind. The "Anti-Testimony" laws of California when coupled with the "Homestead law", left the Negroes little to hope for. Under this law, which was passed in 1851 and again in 1860, Negroes were not permitted the right to homestead.<sup>90</sup> The result is self-evident.

Many of the Negroes had acquired land, through mine claims or purchase. Even though a Negro owned his land through purchase, a white person could claim

<sup>89</sup> Beasley, Negro Trail Blazers of California, p. 54.

<sup>90</sup> A section of the Homestead law reads: Whenever any white man or female resident in this state shall desire to avail himself or herself of the benefits of this act, such person shall make a written application to the county judge in which the land is situated.



the land and he could not go into court and testify in his own behalf.

On March 22, 1852, Mr. Canny presented a petition from free Negroes of San Francisco, praying a change in the law to authorize them to give testimony against white men. Immediately, Mr. Hammond offered the following resolution:

"Resolved, That the house having heard the petition read, do decline to receive or entertain any petition upon such subject from such sources."<sup>91</sup>

The ayes and nays were called for by Messrs. Wood, Wall, and Mullin, to be sure that the members understood their attitude in the matter; and only one nay is recorded -- that of a Mr. Hinchman, who dared to vote as he pleased.

Many were the petitions sent by the Negroes to the Legislature -- many were their rebuffs. Weary of the struggle, apprehensive for the future, but still stout in heart, with an abundance of purpose, the Negroes decided to call a state-wide convention and James Carter of Sacramento sent out the following call:

*Start* "State Convention of the Colored  
Citizens of California---

Brethren:--Your state and condition in

<sup>91</sup> Journal of California Legislature, 3rd Session,  
Assembly Journal, Monday 3/22/1852

California is one of social and political degradation; one that is unbecoming a free and enlightened people. Since you have left your homes and peaceful friends in the Atlantic States, and migrated to the shores of the Pacific, with the hopes of bettering your condition, you have met with one continued series of outrages, injustices, and unmitigated wrongs unparalleled in the history of nations. You are denied the right to become owners of the soil, that common inheritance which rewards our industry, the mainspring of all human actions, which is to mankind in this world like the action of the sun to the other heavenly bodies. You are compelled to labor and toil without any security that you shall obtain your just earnings as an inheritance for yourself or your children in the land of your birth.

"The Statute books and the common law, the great bulwark of society, which should be to us as the rivers of water in a dry place, like the shadow of a great rock in a weary land, where wretched should find sympathy and the weak protection, spurn us with contempt and rule us from their very threshold and deny us a common humanity.

"Then, in view of these wrongs which are so unjustly imposed upon us, and the progress of the enlightened spirit of the age in which we live and the great duty that we owe to ourselves and the generations that are yet to come, we call upon you to lay aside your various avocations and assemble yourselves together on Tuesday, the 20th day of November, A.D. 1855, in the city of Sacramento at 10 A.M., for the purpose of devising the most judicious and effectual ways and means to obtain our inalienable rights and privileges in California."<sup>92</sup>

stop

<sup>92</sup> State Convention of the Colored Citizens of California (Proceedings of 2nd Colored Convention p.1)

Thus the story was told -- and it was worth fighting for; and they now had many whites fighting with them. Governor John Neely Johnson, before leaving the Administration, January 8, 1858, demanded a change in the law excluding the testimony of Indians and Negroes, saying, "this indiscriminate prohibition I regard as utterly at variance with the spirit of our Constitution and a wise and judicious governmental policy."<sup>93</sup> Various legislators presented, time and time again, the petitions of the struggling Negroes, but it was not until 1863, when Senator Robert E. Perkins presented a repeal bill, for the second time, that this law was amended; still leaving the Chinese and Indians without security, and the law was not fully removed from the Statutes until 1873.

This did not end the Negroes' fight for civil rights. The Negro still could not vote; their children could not attend the public schools; nor were they permitted to ride the street cars, unless light enough in complexion "to pass".

In combating these last barriers to freedom, the Negroes organized the "Franchise League" and followed the same line of advance that brought them relief in

<sup>93</sup> California State Journal 1858, pp. 17-23



the "Anti-Testimony" fight. They were not to get the right of franchise in California, however, until the fifteenth amendment to the United States Constitution voided the prohibitory laws of the state.

It took them still longer to obtain admission to the public schools for, according to Tinkham, it remained for the Republican party, in the election of 1875, to adopt the first resolution of liberalism toward people of color in California; viz:

"that all citizens, without distinction of color, are entitled to equal advantages of the public school education."<sup>94</sup>

<sup>94</sup> Tinkham, California Men and Events 1769-1890 pp. 224-225

## CHAPTER IV

## THE FIGHT FOR CIVIL RIGHTS

## Part II

## The Convention of 1865

In October, 1865, the Executive Committee of the Franchise League called another convention to be held on Wednesday, the 25th, at Sacramento, "to consider and deliberate on subjects connected with our interests as citizens of this State."<sup>95</sup>

At ten o'clock on the date set, 25 delegates representing nine counties met at Bethel A.M.E. Church on 7th Street, presented their credentials, and were ready to get down to business. They were a serious group of men, perhaps a great deal more optimistic than in previous conventions. There was reason for this feeling "of a new day near at hand". The War of Rebellion had come to an end with the forces of freedom victorious; over 150,000 Negroes had crashed the gates of the Army; some had held the ranks of officers; Congress had passed the Thirteenth Amendment and there was talk of Congress passing a Civil Rights Law.<sup>96</sup>

<sup>95</sup> Proceedings of the California State Convention of Colored Citizens, p. 3

<sup>96</sup> Advocated by Charles Sumner and passed in 1865.

Their very call to convention had been one of good cheer for it read, "We have received hearty and cheering responses from Sacramento, Napa, San Jose, Marysville, Port Wine, Benicia, and other places."<sup>97</sup>

Yet these men were whistling in the dark, for despite the potential freedoms advocated by our Congress, they knew the potency of the venom injected by the copperhead element into the State Legislature which they must combat.

Mr. O. M. Briggs, a white minister of Sacramento and Agent for the Freedmen's Bureau for the Pacific Coast, recognized the dangers of the complex emotion of hope and fear and tried to modify it by the warning, "...We must expect opposition even from Union men; the country is fast coming up to that point when equal political rights will be awarded to colored men, not only as a reward for their valor, patriotism, and loyalty, but as justly due them as men and citizens..<sup>98</sup>

Several committees were appointed by the chairman with members serving on as many as two committees, due to the small number of delegates who necessarily com-

<sup>97</sup> Proceedings of the Calif. State Convention of Colored Citizens, p. 3

<sup>98</sup> Ibid.



posed the convention. The important committees were those on Education, Elective Franchise, Business, Statistics, and Industrial Pursuits.

The information brought to light by the various committees is interesting and is worth noting both for the facts and the attitudes involved.

(The education committee argued that Negroes in California were paying a considerable sum of money in taxes into the State treasury and were receiving little in the way of educational advantages in return. "We require," they argued, "more educational advantages, the law at present only allowing schools where there are ten children, with discretionary power on the part of the Commissioners to establish schools for a lesser number."<sup>99</sup> In nearly every instance the Commissioners of education gave no thought to education of the Negro boy and girl. Often they had no idea of the number in their district and hence made no effort to provide for them. The members of the educational committee were aware of this shortsightedness and abhorred the law that made it possible; and to a man resolved that if their children were not to have separate schools, then they should be admitted to those already

<sup>99</sup> Op. Cit. p. 8

established.)

There had been established at San Jose a private school called Livingstone Institute of which P. W. Cassey was Superintendent. The institution was in financial difficulties. Being the only private school owned and operated by Negroes and being the only institution to which they could certainly send their children, the committee recommended that a plan be devised to raise money. Either the school as a plant had grown or the value of real estate in San Jose had gone up, for the report was made that two years previously it could have been purchased for \$2400, but at the time of Convention, it would cost \$4000.

There were in all of California in 1865, 4,086 Negroes. The plan of the committee was to tax each Negro, man, woman, and child \$1.00. This would bring in \$4,086, which would pay off the mortgage and leave \$86.00 in the treasury. Knowing the reactions of the legislature which considered the Negro the white man's burden, and his inherent willingness to spend fortunes to have his way about things, the committee resolved to ask the legislature to appropriate \$5,000 to put the institution on a firm financial basis.

## Report of Business Committee

The Negro in Africa was known as a sharp trader, even in early times, and his experiences in American slavery had not wholly eradicated this trait. Even assuming an inherited business acumen of low degree, the Negro, by 1865, had had generations in which to observe and acquire some business knowledge from the white man.

All, however, had not grasped certain fundamental concepts and the committee, working-as-it-were for the total good set up certain axioms to be passed on to all.

"Wealth," the committee believed, "is an element of social power necessary to raise any people to an independent and influential position";<sup>100</sup> and prayed that the Negroes should, "direct our aims to its honorable acquisition."<sup>101</sup> The economic endeavors of the group were directed toward certain real sources of wealth such as: agriculture; manufacturing; mechanism; commerce; and the scientific professions. Thus, these Negroes, as early as 1865, realized and advocated the great shortcoming of the present day Negro, the field

<sup>100</sup> Op. Cit. p. 8.

<sup>101</sup> Op. Cit. p. 8.



of production; and charged, that it was the imperative duty of parents and guardians of children to have them as far as possible, educated in some branch of business pursuits, by which they may produce.

This attitude was by no means confined to the Negroes of California, rather, it was the common intelligence of free Negroes all over the country as evidenced by the establishment of such industrial schools as Tuskegee Institute, in Tuskegee, Alabama; Hampton Institute, in Hampton, Virginia; Western University, in Quindaro, Kansas, and many others of contemporary and later period. It was this same attitude that, in more recent times, caused Negroes to fight for the establishment of vocational departments in the high schools, as in Kansas City, Missouri, thus setting an example that was soon to be adopted for white children as well.

#### Report of Statistical Committee

The reaction of the Negro on the Pacific Coast, after the Civil War, to his new environment was not very different from his social adaptations and economic adjustment to the new surroundings in Northern and Eastern sections of the United States. After the remaining slaves had been given freedom, they began

to scatter. They migrated mainly from the mining centers where the majority had been working out their freedom. Consequently, small groups settled in chosen areas and drew up plans for the organization of small communities, such as: Abila, Allensworth, Bowles, Victorville, Tulare, Fresno, and San Bernardino, which were at that time populated almost entirely by Negroes.

This state of flux made it a bit difficult for the "fighting-fathers" to keep track of the number and their whereabouts, and it was imperative that this be done if the full strength of their fighting forces be maintained.

The Committee on Statistics was charged with this mammoth task of not only reporting the population by County, but how engaged and their social state.

If one were to browse through the U.S. Census for 1860 and 70, he would be struck by the indifference shown in the status of the Negro. Only the free Negro was counted for California, and no information given as to the occupations in which he engaged.

Taking a few selected counties reported by the Committee, it is apparent that the Negroes were well organized and that close tab was kept on the indivi-

dual as well as the group, as evidenced by the Committee figures below:

San Francisco County<sup>102</sup>

Population:

Adults.....1,600  
Children... 250

Total.....1,850

Religious and Moral  
Institutions

Churches.....2  
value....\$50,000  
members.....250  
attendants...800

Beneficial Societies....4

Funds.....\$4,000  
members.....140  
Masonic Lodges.....4

Common Institutions

Public Day Schools..2  
Pupils.....120

Public Night Schools2  
Pupils.....60 Adults

Livingstone Institute

Funds.....\$3,000

Liberal Professions

Clergymen.....10  
Editors.....2

Total wealth of City and  
County.....\$750,000

Caulkers Association

Members.....9

Mechanics and Manufacturers

Painters.....4  
House Carpenters.....3  
Ship Carpenters.....2  
Caulkers.....9  
Boot Makers.....4  
Tailors.....3  
Pricklayers.....2  
Plasterers.....2  
Black Smiths.....4  
Hose makers.....1  
Segar Cigar Makers...2  
Tinnners.....1  
Upholsterers.....2  
Dressmakers.....10  
Seamstresses.....5  
Milliners.....3  
Ladies Hair Dressers...9  
Tobacco Manufacturers...4  
Soap and Tallow Manu-  
facturers.....1  
Fancy Soap Manufactur-  
ers.....1  
Hair Restoratives.....1  
Fancy Hair Workers.....2  
Laundries.....10  
Junk Stores.....2  
Teamsters.....20  
Real Estate Agents.....2  
Barbers.....?

Marysville and Vicinity<sup>103</sup>

Population

Adults.....156  
Children.....50

Business Pursuits

Barbers.....18  
Vegetable, fruit, and



Total.....	206	Poultry dealers.....	6
Wealth.....	\$163,690	Pork-raisers.....	7
Churches.....	2	Soap Manufacturers.....	1
Methodist.....	1	Fancy Hair-workers.....	2
Baptist.....	1	Druggist.....	1
Methodist debt.....	\$400	Junk Dealers.....	1
Baptist out of debt		Bath House keeper.....	3
Schools.....	1	Carpenters.....	2
Average attendance...	20	Engaged in Laundry Bus-	
Morals of people good -		iness.....	10
No drinking saloon, bil-		Cooks.....	5
liard saloon, nor gambling		Farmers.....	25
dens in county. No pro-		General Jobbers.....	12
fessional gamblers.		Hostlers.....	3
		Seamstresses.....	4
		Dress-makers.....	4
		Public Porters.....	11
		Miners.....	12
		White washers.....	4

The Committee reported "three mining companies; in two of which well defined ledges have been struck." The Rare Ripe Company which had been incorporated at \$2,000 was closed because some stocks had to pass through administration, but it would open within a few days. The highest output was reported as \$25.00 per ton.

#### Sacramento County 104

##### Population

Adults.....470  
 Number can read and  
 write.....375  
 Cannot.....95

Children.....150  
 Attending school.....49  
 Not receiving in-  
 struction.....101

104 Op. Cit. p. 14.

##### Business Pursuits

Mechanics.....18  
 Farmers.....10  
 Doctors.....1

Amount of real estate and  
 other property...\$141,815

Reported no person in the  
 County supported by the

Sabbath Schools.....2	public or benevolent so-
Membership.....44	cieties.
Teachers.....8	
Superintendents.....2	

In the foregoing charts are to be found some of the larger aggregations. The following figures for Yolo, Colusa, Tehama, and El Dorado Counties show the condition the more sparsely populated areas:

Yolo, Colusa, and Tehama Counties<sup>105</sup>

Population

Adults.....16	Can read and write.....15
Children.....5	Farmers and stock
	raisers.....5
Total.....21	Stock-raisers without
No school in Counties	farms.....4
Property owned in Counties.....\$17,900	

El Dorado County<sup>106</sup>

Population

Industrial Pursuits

Male Adults.....190	Mechanics.....4
Female Adults.....75	Miners.....50
Children.....40	Farmers.....14
Total.....305	Hair Dressers.....25
	Laborers.....40

Can read and write..223

It was the intention of Convention to use the findings of its various committees as an argument against the various "exclusion acts" at that time included in the State Statutes. Their purpose was to

<sup>105</sup> Op. Cit.p. 14.

<sup>106</sup> Op. Cit.p. 14.

make their approach on the basis of things understood by the white legislators -- the things for which he and his forefathers had fought -- the right to representation and full benefit of State rights and privileges, if taxes must be paid. Editorializing on this point, The Sacramento Union<sup>107</sup> reprinted from The Pacific Appeal, an organ of the Negro people, the following item:

Condition of the Colored Population  
of California

"The evidence of thrift among our people is a source of much encouragement. In this connection I will offer the following estimated statistics, which show the prosperity of the colored people in this City and State:

Their population is estimated at...	5,000
Their population in San Francisco...	1,500
Their real estate in San Francisco.....	\$250,000
Their personal property in San Francisco.....	\$50,000
Total wealth of colored population in this State.....	\$2,500,000
Total amount of taxes paid by them.....	\$50,000

This is the result of our industry while suffering under the crushing weight of unjust legislation and cruel prejudice, which generally consigns us to menial avocations that do not yield profits equal to those of the favored class.

<sup>107</sup> The Sacramento Union, June 25, 1865, 2/1



## Report of Committee on Elective Franchise

The California Constitution of 1849 had granted the right of suffrage to "every white male citizen of the United States and every white male citizen of Mexico who shall have elected to become a citizen of the United States under the terms of the Treaty of Peace exchanged at Querétaro on the thirtieth day of May, 1848, of the age of twenty-one years, who shall have been a resident of the United States for six months preceding the election and the county or district for thirty days in which he claims to vote,"<sup>108</sup> and the legislature was authorized by a two-thirds vote to admit Indians or descendants of Indians to the right of suffrage.<sup>109</sup>

It had been quite a blow to the early Negroes of Mexican citizenship to have just been ignored. It was no less a hurt to the Negroes of 1865 to note that, idiots, insane persons, and persons convicted of crime  
110 --- and they by the simple process of non-inclusion --- were not eligible to vote.

Using the information presented by the fact-find-

108 Article II Sec. 1 (Calif. Constitution 1849)

109 Ibid. Sec. 2

110 Ibid. Sec. 5

ing bodies of the Convention, the Committee on Elective Franchise busied itself in the formulation of the following appeal to the State Legislature, which was accepted and ordered sent to the legislature. Using all the formal salutations required of that day, they wrote:

"....we are an industrious, moral, and law abiding class of citizens, professing an average of education and general intelligence; born upon American soil, and paying taxes yearly upon several Million of dollars, and upholding all the institutions of our common country, as recently demonstrated by the employment of two hundred thousand of the negro population in the late great rebellion--whose courage and loyalty have been testified to by many distinguished commanders,<sup>111</sup> and whose whole record has never been disgraced by a single black traitor. We would most respectfully ask of your honorable bodies in view of the above multiplied merits, an amendment to the Constitution of California, in Section 1st. Article II, of said Constitution, so that the same may read as hereinafter set forth, to the end that American citizens of African descent, and such other persons of African descent as may have provided to become citizens, may be admitted to the rights of suffrage and citizenship of the State of California."<sup>112</sup>

<sup>111</sup> For valor of Negroes under arms in Civil War, see Speech of Hon. Cornelius Cole of California on Arming the Slaves, Delivered in the House of Congress, 1862, No. 24 in vols. Calif. Speeches, vol. 10

<sup>112</sup> Proceedings of California State Convention of Colored Citizens, p. 15

## The Fight for Education

The framers of the California Constitution had used the Constitutions of all the states and of the United States in compiling the document of 1849. In arranging the Constitution, Paul Mason says, "sixty-six of the one hundred thirty-seven sections of the original Constitution of California appear to have been taken from the constitution of Iowa, and nineteen from the constitution of New York. It is clear also that sections from the constitution of the states of Louisiana, Wisconsin, Michigan, Texas, and Mississippi....were adopted."<sup>113</sup> This accounts, to a degree, for the inclusion of some good articles and some bad articles that were at variance with the spirit of the constitution; thus weaving a counter-point and contradiction to the air of freedom.

The State Constitution provided in Art. I sec. I that: "All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness,"<sup>114</sup> and in the same

<sup>113</sup> Mason, Constitutional History of Calif. p. 27

<sup>114</sup> Calif. State Constitution Art. I sec. I. (Mason, Constitutional History of California, p. 44)



setting provided for "common schools", but forbade Negroes, Mongolians, and Indians to attend them.

Following the spirit of the constitution, the Legislature April 6, 1863, made the educational obstruction of Negroes easier by shackling those educators who might have given Negro children admittance, by making it unlawful for any school district to admit any prohibited person to its school.<sup>115</sup> The law authorized the Superintendent of Public Instruction to withhold from such district all share of State School Funds.<sup>116</sup> The law was possibly the outgrowth of reports from some districts that Negro children were being admitted to schools. In September, 1862, the Sacramento Daily Union carried the following defensive item of a San Francisco school teacher:

"We have received a communication from John Swett, Union candidate for Superintendent of Public Instruction, in which he says that the statement of Henry B. James of San Francisco to the effect that he, Swett, allowed colored children in his school, is entirely untrue. He says there never was a colored child in his school to his knowledge for one hour during the eight years he has taught in San Francisco."<sup>117</sup>

The Negro had long since begun to shift for him-

<sup>115</sup> Calif. Laws and Statutes, Apr. 6, 1863 p.19 Sec.68

<sup>116</sup> Ibid.

<sup>117</sup> The Sacramento Daily Union, Sept. 1, 1862, 4/5

self, though little credit has been given him for pulling himself up by his own "boot-straps". As early as 1861, the Negroes in Stockton had opened a school in the A.M.E. Church, where the pastor was possibly the teacher;<sup>118</sup> two schools were in operation in San Francisco, one in Sacramento, possibly one in Marysville by 1865; and Livingstone Institute, a private school was in operation in San Jose. In 1871 Daniel Scott opened the first school for Negroes in Visalia.

These early schools were little to brag about other than that they offered some form of formal training for the slighted Negro youth. They were generally held in some portion of a home, barn, or a ramshackle place provided through the philanthropy of some interested white person. Often the only chair in the room was that of the teacher, the children using wooden boxes as desks.

The Constitution made provision in the prohibitory law authorizing the district commissioners to establish separate schools for the Negroes, Mongolians, and Indians to be paid for out of State Funds, at their discretion. In no case did the commissioners have the discretion to give financial assistance to the schools

<sup>118</sup> Tinkham, The History of San Joaquin County, Calif.  
p. 235

already established by the Negroes. Hence, in the Convention of 1865, the Negroes in all justice argued that if they could not have separate public schools, then they by right should be admitted to those already established.

Many times Negroes were refused admission to the public schools and it remained for the Republican party, seeking their vote in the election of 1875, to adopt the first educational resolution of liberalism toward people of color in California.

#### Beginning of Better Days

By 1870, things were beginning to brighten for the Negro in California. To be sure, there was still considerable opposition and tendencies toward indifference to his constant demand for full recognition as a man and a citizen. The Federal government had set the pattern by the ratification of the 14th amendment July 23, 1868, which gave him social status, and the 15th amendment March 30, 1870, which gave him for the first time entree into the political life of the state which he had helped win.

The ratification of these amendments, however, did not lessen the repugnance of the southern and many northern white men who could not stomach the idea of



Negroes as social or political equals and the reactions of some in California were as amusing as they were tragic, and the Sacramento Union, of January 7, 1870, had the following to say on the reactions of Governor Haight:

"In transmitting the 15th Amendment to the Legislature, Governor Haight takes the occasion to read that body a long lecture on constitutional law, the rights of States, the powers of Congress and the limits to which amendments may be carried. He denies the validity of the 15th Amendment, even if it carries the requisite 3/4 of the States, and indicates the same opinion as to the 14th which he thinks helps to violate the principle of self-government. The message was intended to be very able and exhaustive of the subject, and will no doubt be accepted by every man who helped the rebels in their attempt to overthrow the Constitution and the Union, and who now quite naturally cover themselves by the "Constitution as it was," in their malicious efforts to prevent the enforcement of laws and amendments necessary to the perfect restoration of the Union and its future protection against treason."119

With this kind of attitude to combat in high governmental places, it is easy enough to understand why, even with the more general laws of the 1870's, it was only through court fights and the curative of time that Negroes were able to break down local opposition and gain admittance into the schools throughout the

119 The Sacramento Daily Union, Friday Jan. 7, 1870, 2/2

State.

In Stockton about 1876, Emanuel Quivers, a Negro lad, who had received a better than average chance to learn through private tutors hired by his father, petitioned the board of education for admission to the high school. The school board composed of W. M. Braggs, I. V. Leffler, Rev. S. E. Morse, P. B. Fraser, M. S. Thresher, and I. R. Wilbur, turned him down.<sup>120</sup>

George Ladd was city superintendent of schools at the time and was in favor of his admission, and after the refusal of young Quivers, Ladd succeeded in obtaining his admission in the San Francisco high school.<sup>121</sup>

As a result of the agitation caused by the Quiver incident, the taxpayers awakened by the fair stand of the newspapers, began to consider the waste of spending \$1,200 per year for a special Negro school when they could easily be integrated into the schools established for the whites. Consequently, in August, 1877, Mr. Thresher proposed a resolution to close the special Negro school. However, neither Negroes nor whites, were quite certain that all would be well;

<sup>120</sup> Tinkham, Hist. of San Joaquin County California, p. 236

<sup>121</sup> Ibid.

and the question lay dormant for some time. In the meantime, however, two Negro girls were admitted to the upper grammar grades. Thus, in one local instance, the color line was broken down in education and the special Negro school closed in 1877 forever.

It was not so rational nor easy an approach in other places, and the case of Arthur Wysinger vs. Cruikshank<sup>122</sup> is a token to the determination of Negroes to gain educational advantage for their children.

When school opened in September, 1888, Arthur Wysinger applied to S. A. Cruikshank, principal of the Visalia school, for enrollment in the high school of that city. Cruikshank refused the boy admittance; and on October 2, 1888, Arthur Wysinger, through his father, sued out a writ of mandate in the Superior Court of Tulare County. A demurrer was filed on October 17th and answered the same day, and the court handed down the decision denying young Wysinger's plea of admission.

The laws of the State of California, by this time, <sup>123</sup> clearly provided that all citizens, without

<sup>122</sup> Records of the Tulare County Clerk, Suit Number 1877, Oct. 2, 1888

<sup>123</sup> See footnote 94, pg. 62



distinction of color, were entitled to equal advantages of the public school education, and the Negroes determined to test its validity in the Supreme Court, where notice of appeal was filed May 4, 1889.

The decision of the lower court was reversed with costs, and it was ordered to issue a mandate compelling the admission of Arthur Wysinger.

Thus, throughout the State over a widespread period of time, the Negro waged his battle for a chance to equal education.

## CHAPTER V

## CONCLUSION

It is interesting to note the pattern of human reactions; how a person in most cases will react the same way under the same condition. It is more interesting to watch a specific case, such as the "battles of color" with its tragedies, comedies, and melodramas that are woven so intricately through the panoramic-fabric of California history. The greater interest lies in our ability to see and recognize the weaknesses and virtues of all parties involved -- the ingratitude, greed, jealousy, bigotry, and hate of which the human soul is made. We of today are fortunate in that we can lay the patterns of various periods side by side and see the sameness of design; the sameness of material; and the sameness of results, modified only by the experiences of passing events.

As we have seen the Negro has played an inextricable part in the scheme of events that led up to the discovery of the West and California. Before the settlement of the Atlantic Seaboard by the Pilgrims, they were slave and citizen of the Spanish West. They lived and intermarried with the Indians and Spaniards without exploitation or riot, under the laws of a lib-

eral government.

In the 19th century, when Americans began to show up in the California region, Negroes were among those who came as trappers, hunters, and adventurers. When the interest of early settlers grew for independence from Spain; and later for greater autonomy in California, the Negro was there with Alvarado, Graham, and the rest, and a Negro, William A. Leidesdorff was the first American Consul to Mexico. When America, eager to expand to the Pacific, sent Fremont, Kearny, Gillespie, Stockton, and Sloat to reconnoiter and conquer, Negroes were present, as free men, to fight, conquer, and organize government.

When gold was discovered, they were affected like all other people by the glamour of wealth. They dared the hazards of land and sea to reach the land of fabulous wealth. They prospected and found gold as freemen or worked in the mines as slaves to pay for their freedom and that of their families still in the bonds of slavery.

The early mine environment at first had a most interesting, almost utopian, effect upon the early miners, yet it was quite understandable. The vast amount of gold allowed no room for petty difference.



It was a fair and open opportunity; the rich was thought no better than the poor; the black no more resented than the white, and they all worked harmoniously side by side. A newspaper of 1852, carried the following humorous item on the leveling effects of the mines, under the heading of "Equality at the Diggings":

"The diggings says the American Free Press, like the grave, have a wonderful tendency towards leveling distinctions... "A few days ago, so says our informant, a very spruce, gentlemanly-looking digger, whose upper man looked brilliant in a scarlet shirt, girded about his loins with a broad glazed belt, approached a genuine Turgonite, with a very foppish strut, and addressed him from between a very delicious pair of moustaches in the following style: "Look here my good fellow, just carry a bag of sugar off that dray into my tent and I'll give you a shilling." Eyeing the querist from top to toe, with a peculiarly strutinising air, in which contempt was rather strongly marked, blue shirt replied as he threw his right foot upon a stump, "Look here, my fine fellow, just be pleased to tie my shoe, and I'll give you half a crown." A hearty laugh at this sudden and appropriate rejoinder lowered the mercury of the smart young novice by a considerable number of notches, and a few seconds after he was seen staggering towards his tent, under the weight of his sacharine load, a much better man, probably, from the rub he had undergone."124

Slave and master worked side by side, as did the whole polymorphic aggregation, but this condition was

124 Stockton Journal, November 30, 1852, 4/1

soon to change.

Then came the big wave of migrants of '49 and '50, from the north, south, and east -- and the leveled society became less and less level. The attitude changed from "enough for all" to one of "the mines are reserved for Americans and the white man". Then began the trouble for the black man in California, as the "slave-pound-south" moved in with more and more black competitors. In succession came the Negro exclusion acts of the first Constitutional Convention; the fugitive slave law; and a series of anti-Negro legislation aimed to drive Negroes of any degree from the land.

It is at this time that we find the Negroes girding themselves for the battle for the rights of full citizenship that were to last to the present day. Through one of the saddest series of events in the history of California, akin only to the same treatment meted out to Mexicans, Chinese, and Indians, the Negroes fought for the right to testify in courts in their own behalf; for the right to homestead, purchase, and hold lands under equal laws; for freedom; for the right to vote; the right to free public education; and the right to "life, liberty, and the pursuit of happi-

ness" laid down in the Declaration of Independence.

By the turn of the century, the Negro had gained most of the rights for which he fought in California, and the improvements have increased over the years.

Today, as a result of the present war, California has experienced another period of migration. There are again the flow of southern whites, who wish to spread in their wake un-American customs, and blacks who resent being resented and who are determined to fight for their legal rights as citizens under the Flag, as did their forerunners of an earlier day.

Following the pattern of things past, will the Negroes of California pass again through the gamut of social upheavals or will they maintain the gains fought for and won since the time of discovery?



## BIBLIOGRAPHY

## Source Material

Bell, Major Horace, Reminiscences of a Ranger or Early Times in Southern California, Wallace Hebbard Co. Santa Barbara, 1927.

----- On The Old West Coast Being Further Reminiscences of a Ranger, Bartlett, Lanier (ed.), William Morrow and Co., New York, 1930.

Bigelow, John, Memoir of the Life and Public Services of John Charles Fremont, Including an Account of His Explorations, Discoveries and Adventures on Five Successive Expeditions Across the North American Continent; Voluminous Selections from His Private and Public Correspondence; His Defence Before the Court Martial, and Full Reports of His Principal Speeches in the Senate of the United States. With Spirited Illustrations, and An Accurate Portrait of Steel., Derby and Jackson, 119 Nassau St., N. Y. H. W. Derby and Co., Cincinnati, 1856.

Brewer, Wm. H., Up and Down California in 1860-1864 The Journal of Wm. H. Brewer, Edited by Francis P. Farqukas, Yale Univ. Press, New Haven, 1930.

Browne, J. Ross, Report of the Debates in the Convention of California on the Formation of the State Constitution in Sept. and Oct., 1849, John T. Towers, Washington, 1850.

California Reports #2

California Reports #51

California Reports #4, 1854

California Reports #372, 1872-73

California Statutes 1854

California Statutes 17th Session 1867-8

California Statutes 1861

California Statutes Senate Journal 3d Session

California Statutes 1860-87

Civil Codes Sections 1237 et. seq.

Clappe, Louisa A., California in 1851 The Letters of Dame Shirley, Vol. 1, The Grabhorn Press, 1933.

---- California in 1852 The Letters of Dame Shirley, Vol. 2, The Grabhorn Press, 1933.

Coy, Owen C., Guide to the County Archives of California--Publication of the California Historical Survey Commission, Calif. State Printing Office, Sacramento, 1919.

Constitution of the United States

Ellison, William Henry (ed.), The Life and Adventures of George Nidever 1802-1883, University of California Press, Berkeley, 1937.

Hallenbeck, Cleve, Alvar Nunez Cabeza de Vaca The Journey and Route of the First European to Cross the Continent of North America 1534-1536, The Arthur H. Clark Company, Glendale, California, 1940.

Journal of the Calif. Legislature 3rd Session Assembly Journal, Tuesday Feb. 10, 1852.

Journal of the Calif. Legislature 3rd Session Monday, March 22, 1852.

Miller, Joaquin, Overland In A Covered Wagon An Autobiography, D. Appleton and Company, N. Y. 1930.

Proceedings of the California State Convention of Colored Citizens - Held in Session on the 25, 26, 27, and 28 of October, 1865, Printed at the office of "The Elevator", corner of Sansome and Jackson Sts., San Francisco, 1865.

Read, G. W. & Gaines, Gold Rush, Journals, Drawings, and Other Papers of J. Goldsborough Bruff, Capt., Washington City & Calif. Mining Association, Vol. I, Columbia Univ. Press, N. Y., 1944.

Records of the County Clerk Suit #1877, October, 1888.

Richman, Irving Berdine, Calif. Under Spain and Mexico 1535-1847 A Contribution Toward The History of The Pacific Coast of the United States, Based on Original Sources (Chiefly Manuscript) In the Spanish and Mexican Archives and Other Repositories, Houghton Mifflin Co., Boston, 1911.

Shinn, Charles Howard, Mining Camps A Study in American Frontier Government, Charles Scribner's Sons, New York, 1885.

Shippey, Merryn G., A Short History of The Visalia Colored School in Two Parts, Part I Chronological History, Part II Case History.

Stockton Journal Nov. 30, 1852 Mining Methods 2/4

Stockton Journal Dec. 14, 1852 Negro Convicted of Assault 2/3

Stockton Journal Nov. 16, 1852 Two White Men and Negro Murdered 2/2

Stockton Journal June 5, 1852 Runaway Slave 2/5

Stockton Journal June 11, 1852 Chinese in Mines 2/5

Stockton Journal June 25, 1852 Stockton Politics 2/3

Stockton Republican Sept. 13, 1851 Crime in Stockton (Negro) 2/4

Stockton Republican Oct. 13, 1852 Negro Criminal in Stockton 2/6

Stockton Republican Oct. 16, 1852 A Feeling Among Miners that some form of regulation of "celestials" is needed 2/6

Stockton Republican Dec. 18, 1852 Labor and Laboring Classes 2/7

Stockton Republican June 9, 1852 Crime 2/2



Stockton Republican Jan. 24, 1852 Lawlessness In  
Sacramento 2/3

Stockton Republican May 26, 1852 Mines and Mining  
In Amador County 2/5

Stockton Record's History of San Andreas, 1934

The Sacramento Daily Union September 1, 1862,  
Swett and Colored Children, 4/5

The Sacramento Daily Union June 25, 1865, Condi-  
tion of the Colored Population of California, 2/1

The Sacramento Daily Union July 3, 1865, Meeting  
of Anti-Negro Disaffectionist, 2/3

The Sacramento Daily Union, November 13, 1865,  
John Black Colored, Democratic Constable of Table  
Rock Township, 3/2

The Sacramento Daily Union December 14, 1869,  
Bill introduced to Admit Negroes Qualified to the  
Bar, 1/5

The Sacramento Daily Union, April 11, 1870, Col-  
ored Voters Registered, 3/1

The Sacramento Daily Union, January 7, 1871,  
First Negro Political Meeting, 5/1

The San Francisco Examiner, September 15, 1921,  
Negro Population of California, 5/5

The State Register and Year Book of Facts; for  
the Year 1857, Published Annually, Henry G. Lang-  
ley and Samuel A. Mathews, San Francisco, 1857.

The State Register and Year Book of Facts; for  
the Year 1859, Published Annually, Henry G. Lang-  
ley and Samuel A. Mathews, San Francisco, 1859.

The Story of the Negro in Los Angeles County,  
Compiled by Federal Writers Project of the Works  
Project Administration, Under Supervision of Hugh  
Harlan, 1936.

## Secondary Material

An Illustrated History of Los Angeles County California Containing a History of Los Angeles County from the Earliest Period of its Occupancy to the Present Time, together with Glimpses of its Prospective Future; with Profuse Illustrations of its Beautiful Scenery, Full-Page Portraits of Some of its most Eminent Men, and Biographical Mention of Many of its Pioneers and also of Prominent Citizens of To-day., The Lewis Publishing Company, Chicago, 1889.

Atherton, Gertrude, California, An Intimate History, Harper and Bros. Publishers, N. Y. 1914.

Bancroft, Hubert Howe, History of The Pacific States of North America vol. XIV, California vol. II 1801-1824, A.L. Bancroft & Co., Publishers, San Francisco, 1885.

---- History of California vol. XXIII, vol. VI 1848-1859, The History Co., Publishers, S. F., 1888.

---- History of The Pacific States of North America Vol. XIII California Vol. I, 1542-1800, A.L. Bancroft & Co., Publishers.

---- History of The Pacific States of North America Vols. II, III, IV, V, A.L. Bancroft & Co. Publishers.

---- The Native Races vol. I Wild Tribes, A.L. Bancroft & Co., Publishers, 1883.

---- The Native Races vol. II Civilized Nations, A.L. Bancroft & Co., Publishers, 1883.

Beasley, Delilah, L., The Negro Trail Blazers of California, Los Angeles, California, 1919.

Bryant, Edward, California, What I Saw In; Being the Journal of a Tour by the Immigrant Route and South Pass of the Rocky Mountains Across the Continent of North America, the Great Desert Basin and Through California, in the Year 1846-7., Appleton

and Co., New York, 1848.

Chapman, Charles Edward, The Founding of Spanish California The Northwestward Expansion of New Spain, 1687-1783, Macmillan Co., N. Y. 1916.

Davis, William Heath, Sixty Years in California, A.J. Leary, Publishers, 1889.

Dellenbaugh, Frederick S., Fremont and '49, G. P. Putnam's Sons, N. Y., 1914.

Duniway, C. A., Annual Report of the American Historical Association 1905 1:244 (in The History of the Labor Movement in California by Ira B. Cross), University Press, Berkeley, 1935.

Eaves, Lucile, A History of California Labor Legislation vol. 2, University Press, Berkeley, 1910.

Francis, J. H. Davies, Building the Fort with Sutter in California History Nuggets vol. III, The California State Historical Society, Los Angeles, 1929-31

---- The Blue and Grey in California.

Goodwin, Cardinal, The Establishment of State Government in California 1846-1850, The Macmillan Co., 1914.

Gray, A. A., History of California From 1542, D. C. Heath & Co., San Francisco, [c 1934] .

Helps, Sir Arthur, Spanish Conquest in America and Its Relation to the History of Slavery and the Government of Colonies, Harper and Co., N. Y. 1856-1868.

Hittell, Theodore H., History of California vol. I, Pacific Press Publishing House & Occidental Publishing Co., S. F., 1885.

---- History of California vol. IV, N.J. Stone & Co., San Francisco, 1897.

James, George Wharton, Heroes of California The Story of the Founders of the Golden State as Narrated



By Themselves or Gleaned From Other Sources, Little, Brown, & Co., Boston, 1910.

Lummis, Charles F., The Spanish Pioneers and the California Missions, A.C. McClurg & Co., Chicago, 1929.

Mason, Paul, Constitutional History of California, Gov't. Printing, Sacramento, 1931.

Parsons, George E., The Life and Adventures of James W. Marshall The Discoverer of Gold In California, George Field, San Francisco, 1935.

Philips, Catherine Coffin, Jessie Benton Fremont A Woman Who Made History, John Henry Nash, S.F. 1935.

Shutes, Milton H., Lincoln and California, Stanford Univ. Press, Calif. [c. 1943]

Thacker, M. Eva, California's Dixie Land (in California History Nuggets Vol. V, No. 1) The Calif. State Historical Society, Los Angeles, October, 1937.

Tinkham, George H., California Men and Events Time 1769-1890, Record Publishing Co., Stockton, [c. 1915].

Tuthill, Franklin, The History of California, H.H. Bancroft and Co., San Francisco, 1866.